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No. 35]

NEW DELHI, SATURDAY, AUGUST 28, 1999/BHADRA 6, 1921

इस भाग में निम्न पृष्ठ संख्या की जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-Section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

गृह मंत्रालय
(पुनर्वास प्रभाग)

MINISTRY OF HOME AFFAIRS
(Rehabilitation Division)

नई दिल्ली, 22 जुलाई, 99

New Delhi, the 22nd July, 1999

का.आ. 2386:—विस्थापित व्यक्ति (प्रतिकार एवं पुनर्वास) अधिनियम, 1954 (1954 का 44) की धारा 34 की उप-धारा 2 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैं, एस.के.चट्टोपाध्याय, मुख्य बंदोबस्त आयुक्त एवं-द्वारा गृह मंत्रालय, पुनर्वास प्रभाग में अवर सचिव श्री खुशाल चन्द, जिन्हें 22 जुलाई, 1999 की समसंख्यक अधिसूचना के तहत बंदोबस्त आयुक्त के रूप में नियुक्त किया गया है, को उक्त अधिनियम की धारा 23 और 24 के तहत शक्तियों तथा इन धाराओं के तहत अधीनस्थ मुनने और पुनरीक्षण करने के प्रयोजन से शक्तियां सौंपता हूं।

2. इसके द्वारा दिनांक 23, फरवरी, 1998 की अधिसूचना सं. 1(4)/93-बंदोबस्त का अधिग्रहण किया जाता है :

[सं. 1(2)/99-बंदोबस्त]

एस.के.चट्टोपाध्याय, मुख्य बंदोबस्त आयुक्त

S.O. 2386:—In exercise of the powers conferred by Sub-Section 2 of Section 34 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), I. S.K. Chattopadhyay, Chief Settlement Commissioner hereby delegate to Shri Khushal Chand, Under Secretary in the Ministry of Home Affairs, Rehabilitation Division, who has been appointed as Settlement Commissioner vide Notification of even number dated the 22nd July, 1999, the powers under Section 23 & 24 of the said Act for the purpose of hearing appeals and revisions under these Sections.

2. This supersedes Notification No. 1(4)/93-Settlement dated 23rd February, 1998.

[No. 1(2)/99-Settlement]

S. K. CHATTOPADHYAY, Chief Settlement
Commissioner

नई दिल्ली, 22 जुलाई, 1999

New Delhi, the 22nd July, 1999

का.आ. 2387.—विस्थापित व्यक्ति (दावे) पूरक अधिनियम, 1954 (1954 की सं. 12) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैं, विस्थापित व्यक्ति (दावे) पूरक अधिनियम, 1954 की धारा 5 के अंतर्गत मूल में निर्दिष्ट शक्तियां गृह मंत्रालय, पुनर्वास प्रभाग में श्री खणाल चंद, अवसर सचिव का, विस्थापित व्यक्ति (दावे) अधिनियम, 1950 के अंतर्गत निर्णीत मामलों के पुनरीक्षण के संबंध में उनके द्वारा प्रयोग किए जाने के लिए सौंपता हूँ।

2. इसके द्वारा दिनांक 20.10.1998 की अधिसूचना सं. 1(4)/93-बंदोबस्त का अधिक्रमण किया जाता है।

[सं. 1(2)/99-बंदोबस्त]

एस.के. चट्टोपाध्याय, मुख्य बंदोबस्त आयुक्त

New Delhi, the 22nd July, 1999

S.O. 2387.—In exercise of the powers conferred on me by Sub-Section (2) of Section 10 of the Displaced Persons (Claims) Supplementary Act, 1954 (No. 12 of 1954) I, delegate to Shri Khushal Chand, Under Secretary in the Ministry of Home Affairs, Rehabilitation Division, the powers vested in me under Section 5 of the Displaced Persons (Claims) Supplementary Act, 1954 to be exercised by him in relation to revision of cases decided under the Displaced Persons (Claims) Act, 1950.

2. This supersedes Notification No. 1(4)/93-Settlement dated the 20th October, 1998.

[No. 1(2)/99-Settlement]

S. K. CHATTOPADHYAY, Chief Settlement Commissioner

नई दिल्ली, 22 जुलाई, 1999

का.आ. 2388.—विस्थापित व्यक्ति (प्रतिपक्ष एवं पुनर्वास) अधिनियम, 1954 (1954 का 44) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा गृह मंत्रालय, पुनर्वास प्रभाग में अवसर सचिव, श्री खणाल चंद को उक्त अधिनियम के द्वारा अथवा उसके तहत बंदोबस्त आयुक्त को सौंपे गए कार्यों का निष्पादन करने के उद्देश्य में बंदोबस्त आयुक्त के रूप में नियुक्त करती है।

2. इसके द्वारा 23.2.1999 की अधिसूचना सं. 1(4)/93-बंदोबस्त का अधिक्रमण किया जाता है।

[सं. 1(2)/99-बंदोबस्त]

फल सिंह, निदेशक

S.O. 2388.—In exercise of the powers conferred by Sub-Section (i) of Section 3 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Shri Khushal Chand, Under Secretary in the Ministry of Home Affairs, Rehabilitation Division, as Settlement Commissioner, for the purpose of performing, the functions assigned to a Settlement Commissioner by or under the said Act.

2. This supersedes Notification No. 1(4)/93-Settlement, dated the 23rd February, 1999.

[No. 1(2)/99-Settlement]
PHOOL SINGH, Director

कार्मिक, लोक शिक्तायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 13 अगस्त, 1999

का.आ. 2389.—केन्द्रीय सरकार एतद्वारा बंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, आंध्र प्रदेश उच्च न्यायालय पर केन्द्रीय अन्वेषण द्यूरो के रिटैनर काउंसल श्री गौरी शंकर सांगी, अधिवक्ता हैदराबाद को हैदराबाद स्थित आंध्र प्रदेश उच्च न्यायालय में दिल्ली विशेष पुलिस स्थापना द्वारा अन्वेषित मामलों में उद्भूत अभियोजन, अपीलें, पुनरीक्षणों अथवा अन्य विषयों का संचालन करने के लिये विशेष लोकअभियोजक के रूप में नियुक्त करती है।

[सं. 225/17/99-ए.वी.डी.-II]

हरि सिंह, अवसर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSION

(Department of Personnel & Training)

New Delhi, the 13th August, 1999

S.O. 2389.—In exercise of the powers conferred by Sub-Section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974) the Central Government hereby appoints Sh. Gouri Shankar Sanghi, Advocate Hyderabad, Retainer Counsel of the Central Bureau of Investigation, in the Andhra Pradesh High Court, as Special Public Prosecutor or conducting the prosecutions, appeals, revisions or other matters arising out of the cases investigated by the Delhi Special Establishment in the Andhra Pradesh High Court at Hyderabad.

[No. 225/17/99-AVD.II]

HARI SING, Under Secy

नई दिल्ली, 16 अगस्त, 1999

का.आ. 2390.—केन्द्रीय सरकार एतद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये उड़ीसा उच्च न्यायालय, कटक में केन्द्रीय अन्वेषण ब्यूरो के रिटैर काउंसल श्री संजीत मोहंती, अधिवक्ता, कटक को उड़ीसा उच्च न्यायालय में दिल्ली विशेष पुलिस स्थापना द्वारा अन्वेषित मामलों से उद्भूत अभियोजन, अपीलें, पुनरीक्षणों अथवा अन्य कार्यवाहियों का संचालन करने के लिये विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[सं. 225/24/99-एवीडी-III]
हरि सिंह, अवर सचिव

New Delhi, the 16th August, 1999

S.O. 2390.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints Sh. Sanjit Mohanty, Advocate Cuttack, a Retainer Counsel of Central Bureau of Investigation in the Orissa High Court at Cuttack as Special Public Prosecutor for the conducting prosecution, appeals, revisions or other proceedings arising out of the cases investigated by the Delhi Special Police Establishment in the Orissa High Court, Cuttack.

[No. 225/24/99-AVD-III]
HARI SINGH, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

आदेश

नई दिल्ली, 3 अगस्त, 1999

स्टाम्प

का.आ. 2391.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, केन्द्रीय सरकार एतद्वारा मै. आई सी आई सी आई लि., मुम्बई को साठ दो करोड़ छियालिस लाख उन्तालीस हजार तीन सौ चालीस रु. का समेकित स्टाम्प शुल्क अदा करने की अनुमति प्रदान करती है, जो उक्त कम्पनी द्वारा मई, 1999 को जारी किये गये तीन सौ अट्ठाईस करोड़ बावन लाख और पैंतालीस हजार रु. के समग्र मूल्य के ऋण-पत्रों के स्वरूप वाले आई सी आई सी आई अमूर्धन विमोच्य बांडों पर स्टाम्प शुल्क के कारण प्रभाप्य है।

[फा.सं. 38/99-स्टाम्प फा.सं. 33/45/99-वि.क.]
अपर्णा शर्मा, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

ORDER

New Delhi, the 3rd August, 1999

STAMPS

S.O. 2391.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits M/s. ICICI Limited Mumbai to pay consolidated stamp duty of rupees two crore forty six lakh thirty nine thousand three hundred forty only chargeable on account of the stamp duty on ICICI Unsecured Redeemable Bonds in the nature of Debentures aggregating to rupees three hundred twenty eight crore fifty two lakh and forty five thousand only issued by the said company in May, 1999.

[F.No.38/99-STAMPS/F.No.33/45/99-ST]
APARNA SHARMA, Under Secy.

आदेश

नई दिल्ली, 3 अगस्त, 1999

स्टाम्प

का.आ. 2392.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुये, केन्द्रीय सरकार एतद्वारा मै. पंजाब एण्ड सिंध बैंक, नई दिल्ली को साठ अस्सी लाख रुपये का समेकित स्टाम्प शुल्क अदा करने की अनुमति प्रदान करती है, जो उक्त बैंक द्वारा दिनांक 11-06-99 को आयोजित किये गये मात्र अस्सी करोड़ रुपये के समग्र मूल्य के प्रोमिसरी नोटों के स्वरूप वाले अमूर्धन विमोच्य वंघपत्रों पर स्टाम्प शुल्क के कारण प्रभाप्य है।

[सं. 39/99-स्टा.फा.सं. 33/46/99-वि.क.]
अपर्णा शर्मा, अवर सचिव

ORDER

New Delhi, the 3rd August, 1999

STAMPS

S.O.2392.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits M/s. Punjab & Sind Bank, New Delhi to pay consolidated stamp duty of rupees eighty lakhs only chargeable on account of the stamp duty on Unsecured Redeemable bonds in the nature of Promissory Notes aggregating to rupees eighty crores only allotted on 11-06-1999 by the said Bank.

[No. 39/99-STAMPS F.No. 33/45/99-ST]
APARNA SHARMA, Under Secy.

आदेश

नई दिल्ली, 3 अगस्त, 1999

स्टाम्प

क्रा. आ. 2393.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, केन्द्रीय सरकार एतद्द्वारा म. भारतीय औद्योगिक वित्त निगम, लिमिटेड, नई दिल्ली को मात्र पांच करोड़ तिरसठ लाख छिहत्तर हजार पांच सौ छपन रुपये का समेकित स्टाम्प शुल्क अदा करने की अनुमति प्रदान करती है, जो उक्त निगम द्वारा नीचे वर्णित प्रोमिसरी नोटों के स्वरूप वाले बांडों/जमा पत्रों पर स्टाम्प शुल्क के कारण प्रभाव है :—

- (1) क्रमशः दिनांक 22-4-99, 6-5-99 तथा 30-6-99 को आर्वाइज किए गए मात्र एक सौ बीस करोड़ और बीस लाख रुपये के समग्र मूल्य के 10000001 से 10013484 तक की विशिष्ट संख्या वाले भा. औ. वि. नि. "ग्रान्ट टैप" बंधपत्र;
- (2) दिनांक 7-6-1999 को आर्वाइज किए गए मात्र चार सौ पच्चीस करोड़ और पचास लाख रुपये के समग्र मूल्य के 28000001 से 2842550 तक की विशिष्ट संख्या वाले भा. औ. वि. नि. बंधपत्र (XXVIII श्रृंखला), और
- (3) क्रमशः दिनांक 21-5-99, 25-5-99, 3-6-99 तथा 26-6-99 को आर्वाइज किए गए मात्र छह करोड़ पित्तादी लाख चारह हजार और एक सौ चार रुपये के समग्र मूल्य के 1125, 1126, 1127 और 1081 को विशिष्ट संख्या वाले भा. औ. वि. नि. जमा पत्र।

[स. 40/99-स्टाम्प का सं. 33/48/99-वि.क.]
अपार्ना शर्मा, अधीक्षक सचिव

ORDER

New Delhi, the 3rd August, 1999

STAMPS

S.O.2393.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits M. s. The Industrial Finance Corporation of India Limited, New Delhi to pay consolidated stamp duty of rupees five crore sixty three lakh seventy six thousand five hundred fifty six only chargeable on account of the stamp duty on Bonds/Certificate of Deposit in the nature of promissory notes described as—

(i) IFCI 'On Tap' Bonds bearing distinctive numbers from 10000001 to 10013484 aggregating to rupees one hundred thirty four crore and

eighty four lakhs only allotted on 22-04-99, 06-05-99 and 30-6-99 respectively;

- (ii) IFCI Bonds (XXVIII Series) bearing distinctive numbers from 2800001 to 2842550 aggregating to rupees four hundred twenty five crore and fifty lakhs only allotted on 07-06-1999; and
- (iii) IFCI Certificate of Deposit bearing distinctive numbers 1125, 1126, 1127 and 1081 aggregating to rupees six crore eighty five lakhs eleven thousand one hundred four only allotted on 21-05-99, 25-5-99, 03-06-99 and 26-06-99 respectively.

by the said Corporation.

[No. 40/99-STAMPS F.No. 33/48/99-ST]

APARNA SHARMA, Under Secy.

आदेश

नई दिल्ली, 9 अगस्त, 1999

स्टाम्प

क्रा.आ. 2394.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये केन्द्रीय सरकार एतद्द्वारा म. नेशनल कैपिटल रीजन प्लानिंग बोर्ड, नई दिल्ली को मात्र पांच करोड़ ग्यारह लाख और चालीस हजार रुपये का समेकित स्टाम्प शुल्क अदा करने की अनुमति प्रदान करती है, जो उक्त बोर्ड द्वारा जारी किये गये नीचे वर्णित प्रोमिसरी नोटों के स्वरूप वाले बांडों पर स्टाम्प शुल्क के कारण प्रभाव है :—

(क) मात्र तिरासी करोड़ तीस लाख रुपये के कुल मूल्य के प्रत्येक पांच लाख रुपये के 1176 से 2838 और 984 से 986 तक की विशिष्ट संख्या वाले 14% अपरिवर्तनीय, असुरक्षित, विमोक्ष्य, कराधेय बांड (2005)-श्रृंखला-1-ए;

(ख) मात्र अट्ठावन करोड़ साठ लाख रुपये के कुल मूल्य के प्रत्येक पांच लाख रुपये के 00001 से 983 और 987 से 1175 तक की विशिष्ट संख्या वाले 13.5% अपरिवर्तनीय, असुरक्षित, विमोक्ष्य, कराधेय बांड (2005)-श्रृंखला-1-बी;

(ग) मात्र चौरासी करोड़ पचास लाख रुपये के कुल मूल्य के प्रत्येक पांच लाख रुपये के 2839 से 4528 तक की विशिष्ट संख्या वाले 10.5% अपरिवर्तनीय, असुरक्षित, विमोक्ष्य, कर-मुक्त बांड (2005)-श्रृंखला-I, I-ख और I-ग;

(घ) मात्र दोसी पच्चीस करोड़ रुपये के कुल मूल्य के प्रत्येक पांच लाख रुपये के 4529 से 9028 तक की विशिष्ट संख्या वाले 13.5%

अपरिवर्तनीय, असुरक्षित, विमोक्ष्य, कराधेय बांड
(2006) श्रृंखला-I: और

- (ड) मात्र साठ करोड़ रुपये के कुल मूल्य के प्रत्येक पांच लाख रुपये के 9029 से 10228 तक की विशिष्ट संख्या वाले 9.7% अपरिवर्तनीय, असुरक्षित, विमोक्ष्य, कर-मक्त बांड (2006) श्रृंखला-1

[सं. 41/99-स्टा.फा.सं. 33/4/99-वि.क.]

अपर्णा शर्मा, अधर सचिव

ORDER

New Delhi, the 9th August, 1999.

STAMPS

S.O. 2394.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits M/s. National Capital Region Planning Board, New Delhi to pay consolidated stamp duty of rupees five crore eleven lakh and forty thousand only chargeable on account of the stamp duty on bonds in the nature of promissory notes described as:—

- 14 per cent Non-convertible, Unsecured, Redeemable, Taxable Bonds (2005)-Series-I-A bearing distinctive numbers from 1176 to 2838 and 984 to 986 of rupees five lakh each aggregating to rupees eighty three crore thirty lakh only;
- 13.5 per cent Non-convertible, Unsecured, Redeemable, Taxable Bonds (2005) Series I-B, bearing distinctive numbers from 00001 to 983 and 987 to 1175 of rupees five lakh each aggregating to rupees fifty eight crore sixty lakh only;
- 10.5 per cent Non-convertible, Unsecured, Redeemable, Tax-free Bonds (2005)-Series, I-B and I-C bearing distinctive numbers from 2839 to 4528 of rupees five lakh each aggregating to rupees eighty four crore fifty lakh only;
- 13.5 per cent Non-convertible, Unsecured, Redeemable, Taxable Bonds (2006) Series-I bearing distinctive numbers from 4529 to 9028 of rupees five lakh each aggregating to rupees two hundred twenty five crore only; and
- 9.7 per cent Non-convertible Unsecured, Redeemable, Tax-free Bonds (2006) Series-I bearing distinctive numbers from 9029 to 10228 of rupees five lakh each aggregating to rupees sixty crore only, issued by the said Board.

[No. 41/99-STAMPS/F. No. 33/49/99-ST]

APARNA SHARMA, Under Secy.

आदेश

नई दिल्ली, 10 अगस्त, 1999

स्टाम्प

का.ग्रा. 2395—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, केन्द्रीय सरकार एतद्वारा मै. ग्रामीण विद्युतीकरण निगम लि., नई दिल्ली को मात्र दो करोड़ दस लाख और पांच हजार रुपये का समेकित स्टाम्प शुल्क अदा करने की अनुमति

प्रदान करती है, जो उक्त निगम द्वारा जारी किये जाने वाले दो सौ दस करोड़ और पचास लाख रुपये के कुल मूल्य के प्रोमिसरी नोटों के स्वरूप वाले 11.75 प्रतिशत कराधेय बांड 2006 (XXXV II श्रृंखला) और 11.50 प्रतिशत कराधेय बांड 2006 (XXXVIII श्रृंखला) पर स्टाम्प शुल्क के कारण प्रभावी है।

[सं. 42/99-स्टाम्प एफ. सं. 33/47/99-वि.क.]

अपर्णा शर्मा, अधर सचिव

ORDER

New Delhi, the 10th August, 1999

STAMPS

S.O. 2395.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits M/s. Rural Electrification Corporation Limited, New Delhi to pay consolidated stamp duty of rupees Two crore ten lakh and five thousand only chargeable on account of the stamp duty on 11.75 per cent Taxable Bonds 2006 (XXXVII Series) and 11.50 Taxable Bonds 2006 (XXXVIII Series) in the nature of Promissory Notes aggregating to rupees Two hundred ten crore and fifty lakhs only to be issued by the said Corporation.

[No. 42/99-STAMPS/F. No. 33/47/99-ST]

APARNA SHARMA, Under Secy.

नई दिल्ली, 16 अगस्त, 1999

आयकर

का.ग्रा.: 2396— केन्द्रीय सरकार, आयकर अधिनियम, 1961 (1961 का 43) की धारा 193 के परंतुक के खंड (iiख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, देना बैंक मुंबई द्वारा जारी किए गए डिबेंचरों को, उक्त खंड के प्रयोजनों के लिए "14.25% अप्रतिभूतित असंपरिवर्तनीय उन्मोचनीय अधीनस्थ बांड (श्रृंखला-II)" की प्रकृति का घोषित करती है।

परंतु यह कि यदि अंतरिती देना बैंक को ऐसे अंतरण के साठ दिन की अवधि के भीतर रजिस्ट्रीकृत डाक द्वारा सूचित करता है तो, उक्त परंतुक के अधीन अंतरण की दशा में फायदा केवल ऐसे बांडों के पण्डांकन या परिवान द्वारा लागू होगा।

[सं. 11027/फा.सं. 275/9/98-आईटी(बी)]

जमना दाम, अधर सचिव.

New Delhi, the 16th August, 1999

(INCOME-TAX)

S.O. 2396.—In exercise of the powers conferred by clause (iib) of the proviso to section 193 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby specifies the debentures in the nature of "14.25 per cent, Unsecured Non-convertible Redeemable Subordinated Bonds (Series-II)" issued by the Dena Bank, Mumbai for the purposes of the said clause:

Provided that the benefit under the said proviso shall be admissible in the case of transfer of such bonds by endorsement or delivery, only if the transferee informs the Dena Bank by registered post within a period of sixty days of such transfer.

[No. 11027/F. No. 275/9/98-IT(B)]

JAMNA DASS, Under Secy.

नई दिल्ली, 16 अगस्त, 1999

आयकर

का.आ. 2397:—केन्द्रीय सरकार आयकर अधिनियम, 1961 (1961 का 43) की धारा 193 के परंतुक के खंड (ix) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, देना बैंक मुंबई द्वारा जारी किए गए डिबेंचरों को उक्त खंड के प्रयोजनों के लिए "13.75% अप्रतिभूतित असंपरिवर्तनीय उन्मोचनीय अधीनस्थ बांड (श्रृंखला-III)" की प्रकृति का घोषित करती है।

परंतुक यह कि यदि अंतरिती देना बैंक को ऐसे अंतरण के माध्यम की अधि के भीतर रजिस्ट्रीकृत डाक द्वारा सूचित करता है तो, उक्त परंतुक के अधीन अंतरण की दशा में फायदा केवल ऐसे बांडों के वृष्ठांकन या परिदान द्वारा लागू होगा।

[सं. 11028/फा.सं. 275/9/98-आईटी(बी)]

जमना दास, अवर सचिव

New Delhi, the 16th August, 1999
(INCOME-TAX)

S.O. 2397.—In exercise of the powers conferred by clause (iib) of the proviso to section 193 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby specifies the debentures in the nature of "13.75 per cent. Unsecured Non-convertible Redeemable Subordinated Bonds (Series-III)" issued by the Dena Bank, Mumbai for the purposes of the said clause:

Provided that the benefit under the said proviso shall be admissible in the case of transfer of such bonds by endorsement of delivery, only if the transferee informs the Dena Bank by registered post within a period of sixty days of such transfer.

[No. 11028/F. No. 275/9/98-IT(B)]

JAMNA DASS, Under Secy.

(मेन्ट्रल इकोनामिक इन्टेलीजेन्स ब्यूरो)

(कोफेपोसा यूनिट)

आदेश

नई दिल्ली, 13 अगस्त, 1999

का. आ. 2398.—अतः संयुक्त सचिव, भारत सरकार जिन्हें विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उप-धारा (1) के अन्तर्गत विशेष रूप से शक्ति प्रदान की गई है, ने उक्त उप-धारा के अधीन आदेश फाइल सं. 673/63/96-सी. यू. एस.-VIII दिनांक 30-7-96 जारी किया और यह निर्देश दिया कि श्री पवन भारतीया पता : फ्लैट नं. 103, सी गोड्डेस, ग्रीनफील्ड इस्टेट, एन. बी. नयार रोड, जुहु, मुम्बई-400049 को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, मुम्बई में अभिरक्षा में रखा जाए, जिससे कि उन्हें भविष्य में चीजों की तस्करी करने में रोका जा सके।

2 अतः केन्द्रीय सरकार को पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या स्वयं को

छिपा रहा है जिससे कि यह आदेश निष्पादित नहीं किया जा सकता।

3. अतः अब उक्त अधिनियम की धारा 7 की उप-धारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा पूर्वोक्त व्यक्ति को यह निर्देश देती है कि वह शासकीय राजपत्र में इस आदेश के प्रकाशित होने के 7 दिन के भीतर पुलिस आयुक्त, मुम्बई के सम्मुख उपस्थित हो।

[फा. सं. 673/63/96-सी. यू. एस.-VIII]

तरसेम लाल, उप सचिव

(Central Economic Intelligence Bureau)

(COFEPOSA Unit)

ORDER

New Delhi, the 13th August, 1999

S.O. 2398.—Whereas the Joint Secretary to the Government of India specially empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued Order F. No. 673/63/96-Cus.-VIII dated 30-07-96 under the said sub-section directing that Shri Pawan Bhartiya, Flat No. 103, Sea Goddess, Greenfield Estate, N.B. Nayar Road, Juhu, Mumbai-400049 be detained and kept in custody in the Central Jail, Mumbai with a view to preventing him from smuggling goods in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or has been concealing himself so that the order cannot be executed.

3. Now, therefore, in exercise of the power conferred by Clause (b) of Sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Mumbai within seven days of the publication of this order in the official Gazette.

[F. No. 673/63/96-Cus. VIII]

TARSEM LAL, Dy. Secy.

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 18 अगस्त, 1999

का.आ. 2399:—सर्वसाधारण की जानकारी के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा पैरा (3) में उल्लिखित उद्यम को आयकर नियमावली, 1962 के नियम 2 (इ) के साथ पठित आयकर अधिनियम, 1961 की धारा 10 (23-छ) के प्रयोजनार्थ कर निर्धारण वर्ष 1999-2000, 2000-2001 और 2001-2002 के लिए अनुमोदित किया जाता है।

2. उक्त अनुमोदन इस शर्त पर दिया जाता है कि—

- (i) उक्त आयकर नियमावली, 1962 के नियम 2 ड के साथ पठित आयकर अधिनियम, 1961 की धारा 10(23-ख) के उपबंधों के अनुसंग होगा और उनका अनुपालन करेगा।
- (ii) केन्द्र सरकार इस अनुमोदन को वापस ले लेगी यदि उक्त—
 - (क) मूलभूत सुविधा को जारी रखना बंद कर देता है, अथवा
 - (ख) खाता बहियों को रखने में और आयकर नियमावली, 1962 के नियम 2 ड के उपनियम (7) द्वारा यथापेक्षित किमी लेखाकार द्वारा ऐसी बहियों की लेखा परीक्षा कराने में असफल हो जाता है अथवा
 - (ग) आयकर नियमावली, 1962 के नियम 2 ड के उपनियम (7) द्वारा यथापेक्षित लेखा-परीक्षा रिपोर्ट को प्रस्तुत करने में असफल हो जाता है।

3. अनुमोदन प्राप्त उक्त का नाम निम्नानुसार है—

मैसर्स विन्हाचल हाइड्रो पावर लिमिटेड एम्पायर हाउस, तृतीय तल, 214 डॉ. डी. एन. रोड, फोर्ट, मुम्बई की साथ सालावे, तालुका शाहपुर, जिला-थाणे महाराष्ट्र में 03 मेगावाट वज्र फाल हाइड्रो इलेक्ट्रिक प्रोजेक्ट।

[अधिसूचना सं.-11030/फा.सं. 205/129/99-आयकर नि. II]

कमलेश सी. वाण्णैय, अवर सचिव

(CENTRAL BOARD OF DIRECT TAXES)

New Delhi, the 18th August, 1999

S.O. 2399.—It is notified for general information that enterprise, listed at para (3) below has been approved by the Central Government for the purpose of section 10(23G) of the Income-tax Act, 1961, read with rule 2E of the Income-tax Rules, 1962, for the assessment years 1999-2000, 2000-2001 and 2001-2002.

2. The approval is subject to the conditions that—

- (i) the enterprise will conform to and comply with the provisions of section 10(23G) of the Income-tax Act, 1961, read with rule 2E of the Income-tax Rules, 1962;
- (ii) the Central Government shall withdraw this approval if the enterprise—
 - (a) ceases to carry on infrastructure facility; or
 - (b) fails to maintain books of account and get such accounts audited by an accountant as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962; or
 - (c) fails to furnish the audit report as required by sub-rule (7) of rule 2E of the Income-tax Rules, 1962.

3. The enterprise approved is:—

03 MW Vajra Fall Hydro Electric Project at Salambe Village, Shahpur Taluka, Distt Thane, Maharashtra of M/s. Vindhyaal Hydro Power Ltd. Empire House, 3rd Floor, 214, Dr. D. N. Road, Fort, Mumbai.

[Notification No. 11030/F. No. 205/129/99-ITA-II]

KAMLESH C. VARSHNEY, Under Secy.

नई दिल्ली, 18 अगस्त, 1999

का.आ. 2400.—आम सूचना के लिए यह अधिसूचित किया जाता है कि केन्द्र सरकार मैसर्स मनिपाल हाउसिंग फाइनेंस सिन्डिकेट, मनिपाल हाउस, मनिपाल-576119 (डीके) कर्नाटक को आयकर अधिनियम, 1961 की धारा 36(i)-(viii) के प्रयोजनार्थ कर निर्धारण वर्ष 1999-2000 तक के लिए अनुमोदित करती है।

2. यह अनुमोदन निम्न शर्तों के अधीन है—

- (i) कंपनी का मुख्य उद्देश्य आवासीय उद्देश्यों के लिए मकानों के निर्माण अथवा खरीद के लिए दीर्घकालीन धन प्रदान करने के कारोबार को करने का रहा है;
- (ii) कंपनी, आयकर अधिनियम, 1961 की धारा 139(i) के अन्तर्गत आय विवरणी दाखल करने के लिए निर्धारित तारीख से पहले इस धारा के अन्तर्गत कटौती दावों के विवरण के साथ अपने लेखा परीक्षित लाभ और हानि लेखा और तुलनपत्र की प्रति प्रतिवर्ष प्रस्तुत करती हो;
- (iii) अधिनियम के अनुसार अवेक्षानुसार रिजर्व रजिस्ट्रार और रखा जाना हो;
- (iv) आयकर अधिनियम, 1961 की धारा 36(1) (viii) में उल्लिखित आय सभी शर्तें पूरी की जाती हो।

[अधिसूचना सं. 11031/फा.सं. 204/23/97-आयकर नि.-II]

कमलेश सी. वाण्णैय, अवर सचिव

New Delhi, the 18th August, 1999

S.O. 2400.—It is notified for general information that M/s. Manipal Housing Finance Syndicate Limited, Manipal House, Manipal-576119(DK) Karnataka, has been approved by the Central Government for the purposes of section 36(1)(viii) of the Income-tax Act, 1961 for the assessment years 1999-2000.

2. The approval is subject to the condition that :

- (i) the company has been main object to carrying on the business of providing long term finance for construction or purchase of houses for residential purposes;
- (ii) the company submits every year a copy of its audited profit and loss account and balance sheet along with a statement of deduction claimed under this section before its due date for filing return of income under section 139(1) of the Income-tax Act, 1961;
- (iii) special reserve as required is created and maintained as per the Act; and

(iv) all other conditions contained in section 36(1)(viii) of the Income-tax Act, 1961, are fulfilled.

[Notification No. 11031/F. No. 204/23/97-ITA-II]

KAMLESH C. VARSHNEY, Under Secy.

नई दिल्ली, 19 अगस्त, 1999

आयकर

का. आ. 2401—आयकर अधिनियम, 1961 (1961 का 43) की धारा 138 की उपधारा (1) के खंड (व) के उपखंड (ii) के अनुसरण में केन्द्र सरकार एतद्वारा उपर्युक्त उपखंड के प्रयोजनार्थ किसी विशिष्ट मामले के संबंध में प्रवृत्ताचार विरोधी व्यूरो, गुजरात, गुजरात सरकार के निदेशक अथवा उनके द्वारा लिखित रूप में विधिवत प्राधिकृत किसी अन्य अधिकारी जो पुलिस अधीक्षक से नीचे के रैंक का ना हो, को विनिर्दिष्ट करती है।

[अधिसूचना सं. 11040/फा.सं. 225/121/99-आई टी ए II]

आर. एन. दास, निदेशक

New Delhi, the 19th August, 1999

(INCOME TAX)

S.O. 2401.—In pursuance of sub-clause (ii) of clause (a) of sub-section (1) of section 138 of the Income tax Act, 1961 (43 of 1961), the Central Government hereby specifies the Director, Anti Corruption Bureau, Gujarat, Govt. of Gujarat or any other officer, not below the rank of Superintendent of Police, duly authorised by him in writing in respect of such specific case for the purpose of the said sub-clause.

[Notification No. 11040/F. No. 225/121/99/ITA/II]

R. N. DASHI, Director

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 16 अगस्त, 1999

का. आ. 2402.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा भारतीय रिजर्व बैंक की सिफारिश पर घोषणा करती है कि उक्त अधिनियम की धारा-9 के उपबंध साउथ इण्डियन बैंक लि. पर उसकी ग्राम लालम, मीनचिल तालुक, जिला कोट्टयम, केरल में सर्वेक्षण सं. 32/5 के अन्तर्गत 13 सेन्ट्स की यह सम्पत्ति की धारिता के संबंध में 27 फरवरी, 2000 तक की अवधि तक लागू नहीं होगी।

[सं. 15/6/93-बी. ओ. ए. (i)]

बी. ए. नारायणन, अवर सचिव

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 16th August, 1999

S.O.2402.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949

(10 of 1949) the Central Government on the recommendation of the Reserve Bank of India, hereby declares that the provisions of Section 9 of the said Act shall not apply to South Indian Bank Ltd. in respect of its holding 13 cents of house property under Survey No. 32/5 at Lalam Village, Meenachil Taluk, Kottayam Dist., Kerala for a period upto 27th February, 2000.

[F.No. 15/6/93-BOA(i)]

B.A. NARAYANAN, Under Secy.

शुद्धिपत्र

नई दिल्ली, 16 अगस्त, 1999

का. आ. 2403.—भारत के राजपत्र के भाग II खण्ड 3 (ii) में प्रकाशित साउथ इण्डियन बैंक लि. के बारे में भारत सरकार, वित्त मंत्रालय, आर्थिक कार्य विभाग (बैंकिंग प्रभाग) द्वारा जारी दिनांक 22-1-99 की अधिसूचना सं. 15/6/93-बी. ओ. ए. की पंक्ति 2 में "धारा 33" शब्दों के स्थान पर बैंककारी विनियमन अधिनियम 1949 की "धारा 53" शब्द पढ़े जाएं।

[फा. सं. 15/6/93-बी. ओ. ए. (ii)]

बी. ए. नारायणन, अवर सचिव

CORRIGENDUM

New Delhi, the 16th August, 1999

S.O.2403.—In the notification No. 15/6/93-BOA dated 22-1-1999 issued by the Government of India, Ministry of Finance, Department of Economic Affairs, (Banking Division) published in the Gazette of India, Part II Sec. 3(ii) regarding South Indian Bank Ltd., in line 2 of the aforesaid notification for the words "Section 33" read "Section 53" of the Banking Regulation Act, 1949.

[F.No. 15/6/93-BOA (ii)]

B.A. NARAYANAN, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 17 अगस्त, 1999

का.आ. 2404.—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1970 के खण्ड 3 के उपखण्ड (1) के साथ पठित बैंककारी कम्पनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा 3 के खण्ड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा श्री ए. सोमासुन्दरम, क्षेत्रीय निदेशक, भारतीय रिजर्व बैंक, चेन्नई को तत्काल प्रभाव से और अगले आदेश होने तक श्री जी.पी. मुनियप्पन के स्थान पर इण्डियन बैंक के निदेशक के रूप में नामित करती है।

[सं. एक 9/6/98-बी.ओ.-I(i)]

के.के. मंगल, अवर सचिव

New Delhi, the 17th August, 1999

S.O. 2404.—In exercise of the powers conferred by clause (c) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, read with sub-clause (1) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, hereby nominates Shri A. Somasundaram, Regional Director, Reserve Bank of India, Chennai as a Director of Indian Bank with immediate effect and until further orders vice Shri G. P. Muniappan.

[F. No. 9/6/98-B.O.I(i)]

K. K. MANGAL, Under Secy.

नई दिल्ली, 17 अगस्त, 1999

का.आ. 2405—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1980 के खण्ड 3 के उपखण्ड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1980 की धारा 9 की उपधारा (3) के खण्ड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये केन्द्रीय सरकार एतद्वारा, भारतीय रिजर्व बैंक, केन्द्रीय कार्यालय, मुम्बई के विदेशी मद्रा नियंत्रण विभाग के मुख्य प्रभारी महाप्रबंधक श्री बी. महेश्वरन को, श्री एन.एच. सिद्दिकी के स्थान पर, तत्काल प्रभाव से और अगले आदेशों तक कार्पोरेशन बैंक के निदेशक के रूप में नामित करती है।

[सं. एफ. 9/6/98-बी.ओ.-I(ii)]

के.के. मंगल, अवर सचिव

New Delhi, the 17th August, 1999

S.O. 2405.—In exercise of the powers conferred by clause (c) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, read with sub-clause (1) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980, the Central Government, hereby nominates Shri B. Maheshwaran, Chief General Manager-in-Charge, Exchange Control Department, Reserve Bank of India, Central Office, Mumbai as a Director of Corporation Bank with immediate effect and until further orders vice Shri N. H. Siddiqui.

[F. No. 9/6/98-B.O.I(ii)]

K. K. MANGAL, Under Secy.

विज्ञान और प्रौद्योगिकी मंत्रालय

(विज्ञान और प्रौद्योगिकी विभाग)

शुद्धिपत्र

नई दिल्ली, 10 अगस्त, 1999

का. आ. 2406—का.आ. 599 तारीख 27 फरवरी, 1999 द्वारा अधिसूचित भारतीय सर्वेक्षण संपदा के सरकारी निवासों का आबंटन नियम, 1999 तारीख 10 फरवरी, 1999 में निम्नलिखित परिवर्तन/अंतःस्थापन किए जाएं :—

राजपत्र के पृष्ठ 1294 पर अ. नि.-317-कज-4 में विद्यमान सारणी के स्थान पर निम्नलिखित रखी जाए :—

सारणी

निवास का टाईप	निवास के टाईप की हकदारी के लिए आबंटन वर्ष के प्रथम दिन को अधिकारी का प्रवर्ग या उसकी मासिक उपलब्धियां
1	2
टाईप I	3050 रु. से कम
टाईप II	5500 रु. से कम किन्तु 3050 रु. से अन्यून
टाईप III	8500 रु. से कम किन्तु 5500 रु. से अन्यून
टाईप IV	12000 रु. से कम किन्तु 8500 रु. से अन्यून
टाईप V	18400 रु. से कम किन्तु 12000 रु. से अन्यून
टाईप VI	18400 रु. और उससे अधिक

पृष्ठ सं. 1297 पर प्रकाशित अ. नि. 317-कज-9 (1) (vi) के नीचे निम्नलिखित उप-पैरा अंतःस्थापित किया जाए :—

“(vii) विवाहित पत्नी केवल तभी आबंटन के लिए पात्र होगी जब अधिकारी का कोई भी पुत्र सरकारी कर्मचारी न हो।”

[एफ. सं. एम. एम./29/025/94]

एम. चक्रवर्ती, डैस्क अधिकारी

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 19 अगस्त, 1999

का.आ. 2407—केन्द्रीय सरकार ने विभिन्न उपभोक्ता केन्द्रों के लिए पेट्रोलियम उत्पादों के परिवहन हेतु देशभर में सुव्यवस्थित अथवा पाइपलाइन नेटवर्क को विकसित करने के लिए गैस अथॉरिटी आफ इंडिया लिमिटेड की कंपनी की स्थापना की है।

और केन्द्रीय सरकार ने का.आ. 522 (अ) दिनांक 30 जून, 1990 के अनुसार अडीवेपलम-तातीपाका पाइप-लाइन परियोजना के लिए पेट्रोलियम एवं खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 2413 GI/99-2,

1962 के खंड-2 की धारा (क) के अन्तर्गत आन्ध्र प्रदेश राज्य सरकार से उप कलैक्टर को प्रतिनिधित्व आधार पर गैस प्रॉपर्टी ग्राफ इंडिया लिमिटेड के लिए सक्षम प्राधिकारी के रूप में कर्त्तव्यों का पालन करने के लिए प्राधिकृत किया है।

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाहपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 के खंड-2 की धारा (क) और खंड-3 के उपखंड (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए संतुष्ट हो गई है कि लोक हित में यह करना आवश्यक है, तथा पेट्रोलियम एवं प्राकृतिक गैस मंत्रालय में भारत सरकार की अधिसूचना में नीचे दी गई तालिका के कॉलम-2 में उल्लिखित और तदनु रूप उक्त तालिका के कॉलम-3 की प्रविष्टि के अनुसार संशोधन करने का एतद्द्वारा निवेदन देती है।

तालिका

क्रम सं.	अधिसूचना संख्या एवं तारीख	संशोधन
1	2	3
1.	का.आ. सं. 1904 तारीख 15-09-98	<div>सर्वे संख्या</div> <div>क्षेत्र</div> <div>607-2 भाग 0.0800 जी.पी.</div> <div>607-3 भाग 0.0900</div> <div>608- भाग 0.0150 जी.पी.</div> <div>के स्थान पर</div> <div>607-1 भाग 0.1100</div> <div>607-2 भाग 0.0550 जी.पी.</div> <div>607-3 भाग 0.0005</div> <div>608-2 भाग 0.0100 जी.पी.</div> <div>608-3 भाग 0.0050 जी.पी.</div>
2.	1905 15-09-98	<div>प्रतिस्थापित होगा</div> <div>259-4 पार्ट 7.0300</div> <div>155 पार्ट 0.0250</div> <div>के स्थान पर</div> <div>259-4 पार्ट 0.0300</div> <div>255 पार्ट 0.0250 जी.पी.</div> <div>प्रतिस्थापित होगा</div>

[सं. एल-14014/6/98-जी.पी.]

सुनील कुमार सिंह, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 19th August, 1999

S.O. 2407.—Whereas, the Central Government established a company namely Gas Authority of India Limited to develop a well settled or established pipeline network throughout the country to transport the product of Petroleum to the various consumption centres:

And, whereas, the Central Government authorised Deputy Collector on deputation from the State Government of Andhra Pradesh to Gas Authority of India Limited to perform the functions of the Competent Authority under clause (a) of section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 for Adavipalem—Tatipaka Pipeline Project vide S.O. 522(E) dated 30-6-1990;

Now, therefore, in exercise of the powers conferred by clause (a) of section 2 and sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act 1962, the Central Government

being satisfied that it is necessary in the public interest, so to do, hereby directs that each of the notification of the Government of India in the Ministry of Petroleum and Natural Gas specified in the column (2) of the Table mentioned below in the manner specified in the corresponding entry in column (3) of the said Table.

TABLE

S. No.	Notification No. & Date	Amendment
(1)	(2)	(3)
1. S.O. No. 1904 dtd. 15-09-1998	Survey No.	Area
	607-2 Part	0.0800 GP
	607-3 Part	0.0900
	608 Part	0.0150 GP
	be substituted by	
	607-1 Part	0.1100
	607-2 Part	0.0550 GP
	607-3 Part	0.0005
	608-2 Part	0.0100 GP
	608-3 Part	0.0050 GP
2. S.O. No. 1905 dtd. 15-9-1998	Survey No.	Area
	259-4 Part	7.0300
	155 Part	0.0250 GP
	be substituted by	
	259-4 Part	0.0300
	255 Part	0.0250 GP

[No. L-14014/6/98-G.P.]
S.K. SINGH, Under Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 10 अगस्त, 1999

का. आ. 2408.—दन्त, चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा भारतीय दन्त चिकित्सा परिषद् से परामर्श करने के बाद उक्त अधिनियम की अनुसूची के भाग-I में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अनुसूची के भाग-I में स्तम्भ 1 में उल्लिखित क्रम संख्या में निम्नलिखित प्रविष्टियां जोड़ी जाएंगी :—

1	2	3
15. मैसूर विश्वविद्यालय	(i) दन्त शल्य चिकित्सा स्नातक	बी.डी.एम. (मैसूर)
	यह अर्हता एस. निजलिङ्गा दन्त चिकित्सा विज्ञान संस्थान, हस्सन के बी.डी.एस. छात्रों के संबंध में तभी एक मान्यता प्राप्त दन्त चिकित्सीय अर्हता होगी यदि यह 27 और 28 जुलाई, 1995 को अथवा उसके बाद प्रदान की गई हो।	
17. बंगलौर विश्वविद्यालय	(i) दन्त शल्य चिकित्सा अर्हता। यह अर्हता निम्नलिखित डेंटल कालेज के बी.डी.एस. छात्रों के संबंध में तभी एक मान्यता प्राप्त दन्त चिकित्सीय अर्हता होगी यदि यह प्रत्येक कालेज के समक्ष दी गई तारीख को अथवा उसके बाद प्रदान की गई हो।	बी.डी.एस. (बंगलौर)

1	2	3
	(क) बंगलौर दंत चिकित्सा विज्ञान संस्थान, बंगलौर—1/2-9-95	
	(ख) दयानन्द सागर दन्त चिकित्सा विज्ञान कालेज, बंगलौर—6-7-95	
	(ग) एम.एस. रमैया दन्त चिकित्सा कालेज बंगलौर—12/13-9-95	
	(घ) के.जी. एफ. दन्त चिकित्सा विज्ञान कालेज, कोलार गोल्लु फील्ड—7-9-95	
22. बंगलौर विश्वविद्यालय	(i) दन्त शल्य चिकित्सा स्नातक। यह अर्हता निम्नलिखित दन्त चिकित्सा कालेजों के संबंध में तभी एक मान्यता प्राप्त दन्त चिकित्सा अर्हता होगी यदि यह प्रत्येक कालेज के समक्ष दी गई तारीखों को अथवा उसके बाद प्रदान की गई हो:— (क) येनेपोया दन्त चिकित्सा कालेज, मंगलौर—1/2-7-96 (ख) के.बी.जी. दन्त चिकित्सा कालेज, सुल्लिया—6/7-7-95	बी.डी.एस. (मंगलौर)
35. कर्नाटक विश्वविद्यालय	(i) दन्त शल्य चिकित्सा स्नातक। यह अर्हता अल-अमीन दन्त चिकित्सा कालेज, बीजापुर के बी.डी.एस. छात्रों के संबंध में तभी एक मान्यता प्राप्त अर्हता होगी यदि यह 31-5-96 और 1-6-96 को अथवा उसके बाद प्रदान की गई हो।	बी.डी.एस. (कर्नाटक)
41. लबगा विश्वविद्यालय	(i) दन्त शल्य चिकित्सा स्नातक। यह अर्हता निम्नलिखित दन्त चिकित्सा कालेज के बी.डी.एस. छात्रों के संबंध में तभी एक मान्यता प्राप्त दन्त चिकित्सा अर्हता होगी यदि यह प्रत्येक कालेज के समक्ष दी गई तारीखों को अथवा उसके बाद प्रदान की गई हो:— (क) ए.एम.ई. दन्त चिकित्सा कालेज, रायचूर—21/22-1-96 (ख) एच.के.डी.ई.टी. दन्त चिकित्सा कालेज, हुमनाबाद—22-23-2-97 (ग) एस.बी. पाटिल दन्त चिकित्सा विज्ञान संस्थान, बीदर—31-7-95 और 1-8-95 (घ) अल-बदर ग्रामीण दन्त चिकित्सा कालेज, गुलबर्गा—5/6-8-96	बी.डी.एस. (गुलबर्गा)

[सं. बी. 12025/28/98-पी एम एस]

सी.एल. भाटिया, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

New Delhi, the 10th August, 1999

S.O. 2408.—In exercise of the powers conferred by Sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consulting the Dental Council of India, hereby makes the following further amendment in Part-I of the Schedule to the said Act, namely:—

In Part-I of the said Schedule the following entries shall be added at S.No. mentioned in Column 1.

1	2	3
15. Mysore University	(i) Bachelor of Dental surgery. This qualification shall be a recognised dental qualification in respect of BDS students of S. Nijalingappa Institute of Dental Sciences, Hassan, when granted on or after 27th & 28th July, 1995.	B.D.S. (Mysore)

1	2	3
17. Bangalore University	(i) Bachelor of Dental Surgery. This qualification shall be a recognised dental qualification in respect of BDS students of the following Dental College when granted on or after the date indicated against each college:— (a) Bangalore Institute of Dental Sciences, Bangalore—1/2-9-95 (b) Dayanand Sagar College of Dental Sciences, Bangalore—6/7-9-96 (c) M.S. Ramaiya Dental College, Bangalore—12/13-9-95 (d) K.G.F. College of Dental Sciences, Kolar Gold Field—7-9-95	B.D.S. (Bangalore)
22. Mangalore University	(i) Bachelor of Dental Surgery This qualification shall be a recognised dental qualification in respect of BDS students of the following Dental Colleges when granted on or after the dates indicated against each college:— (a) Yenepoya Dental College, Mangalore—1/2-7-96 (b) K.V.G. Dental College, Sullia—6/7-7-95	B.D.S. (Mangalore)
35. Karnataka University	(i) Bachelor of Dental Surgery This qualification shall be a recognised dental qualification in respect of BDS students of Al-Ameen Dental College, Bijapur. When granted on or after 31-5-96 and 1-6-96.	B.D.S. (Karnataka)
41. Gulberga University	(i) Bachelor of Dental Surgery. This qualification shall be recognised dental qualification in respect of BDS students of the following dental college when granted on or after the dates indicated against each of the college:— (a) AME Dental College, Raichur—21/22-1-96 (b) H.K.D.E.T's Dental College, Humnabad—22/23-2-97 (c) S.B. Patil Institute for Dental Sciences Bidar—31-7-95 & 1-8-95 (d) Al-Badar Rural Dental College, 5/6-8-96 Gulbarga.	B.D.S. (Gulberga)

[No. V-12025/28/98-PMS]
C.L. BHATIA, Under Secy.

वस्त्र मंत्रालय

नई दिल्ली, 12 अगस्त, 1999

का.आ. 2409 केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिये प्रयोग) नियम, 1976 के नियम 10 के उप नियम 4 के अनुसरण में वस्त्र मंत्रालय के अन्तर्गत आने वाले निम्नलिखित कार्यालय को जिसमें

80 प्रतिशत कर्मचारी वृन्द ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है:—

- (1) प्रदर्शन सह तकनीकी सेवा केन्द्र
(धागाकरण/कतार्ह),
के.रे.प्रो.असं, के.रे.बो,
4 स्पेशल विंग, प्रेम नगर,
देहरादून-248007

- (2) अनुसंधान विस्तार केन्द्र,
ता. केशल,
सिंगनपुर-494331
बस्तर (म.प्र.)
- (3) राष्ट्रीय रेशमकीट बीज परियोजना,
केन्द्रीय रेशम बोर्ड,
बी.टी.एम. लेआउट, माडिवाला,
बेंगलूर-568068

3. National Silkworm Seed Project,
Central Silk Board,
B.T.M. Layout,
Madiawala,
Bangalore-568068

[No.E-11016/1/99-Hindi]
CHANDER BHAN, Dy. Secy.

[सं. ई-11016/1/99-हिंदी]

चन्द्र भान, उप सचिव

MINISTRY OF TEXTILES

New Delhi the 12th August, 1999

S.O. 2409—In pursuance of sub-rule 4 of Rule 10 of the Official Language (use for Official purposes of the Union), Rules, 1976 the Central Government hereby notifies the following offices under the Ministry of Textiles whereof more than 80% staff have acquired working knowledge of Hindi:—

1. Demonstration-cum-Technical Service Centre
(Reeling/Spining)
Central Silk Technology Research Station,
Central Silk Board,
4, Special Wing,
Prem Nagar,
Dehradun-248007 (U.P)
2. Research Extension Centre,
Ta. Keshal,
Singanpur-494331
Buster (Madhya Pradesh)

विदेश मंत्रालय
(कौंसलर अनुभाग)

नई दिल्ली, 16 अगस्त, 1999

का.आ. 2410:— राजनयिक कौंसलो अधिकारी (शपथ एवम् शुल्क) अधिनियम 1948 (1948 का 41 वां) की धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत का दूतावास, मस्कट में सहायक श्रीमति सुदेश कौशिक को दिनांक 16-08-99 से सहायक कौंसली अधिकारी का कार्य करने के लिए प्राधिकृत करता है।

[सं. टी-4330/1/98]

आई. एम. पाण्डेय, उप सचिव (कौंसली)

MINISTRY OF EXTERNAL AFFAIRS

(Consular Section)

New Delhi, the 16th August, 1999

S.O. 2410.—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Mrs. Sudesh Kaushik, Assistant, in the Embassy of India, Muscat to perform the duties of Assistant Consular Officer with effect from 16-8-1999.

[No. T-4330/1/98]

I.M. PANDEY, Dy. Secy. (Cons)

खाद्य और उपभोक्ता मामले मंत्रालय

(उपभोक्ता मामले विभाग)

(भारतीय मानक ब्यूरो)

नई दिल्ली, 6 अगस्त, 1999

का.आ. 2411.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनिबन्ध (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिस/जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिये गये हैं वे स्थापित हो गये हैं :—

अनुसूची

क्रम सं.	स्थापित भारतीय मानक (कों) को संख्या वर्ष और शीर्षक	नये भारतीय मानक संख्या अतिरिक्त भारतीय मानक अथवा मानकों, यदि कोई हों, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 18 : 1999—सूचना और प्रलेखन-प्रकाशनों के शीर्षक शब्दों और शीर्षकों के संक्षिप्तकरण के नियम (तीसरा पुनरीक्षण)	आई एस 18 : 1988	99-05-31

(1)	(2)	(3)	(4)
2.	आई एस 554 : 1999—पाइप की चूड़ियां जहां चूड़ियों पर दाबरुद्ध जोड़ बनाये जाते हैं—आयाम छूटें और अभिहित नाम (चौथा पुनरीक्षण)	आई एस 554 : 1985	99-05-31
3.	आई एस 1024 : 1999 गत्यात्मक भार से प्रभावित पुलों और संरचनाओं में वेल्डन का उपयोग—रीति संहिता (दूसरा पुनरीक्षण)	आई एस 1024 : 1979	99-02-28
4.	आई एस 2639 : 1999—पापड़—विनिष्ट (तीसरा पुनरीक्षण)	आई एस 2639 : 1984	99-04-30
5.	आई एस 2643 : 1999—पाइप की चूड़ियां जहां चूड़ियों पर दाबरुद्ध जोड़ नहीं बनाये जाते हैं—आयाम, छूटें और अभिहित नाम (दूसरा पुनरीक्षण)	---	99-05-31
6.	आई एस 2912 : 1999 खुली चैनलों में द्रव प्रवाह का मापन—ढलान क्षेत्र विधि (पहला पुनरीक्षण)	आई एस 2912 : 1964	99-03-31
7.	आई एस 3007 (भाग 1) : 1999—एसबेस्टास सीमेंट की चादरों को बिछाना—रीति संहिता भाग 1 नालीदार चादरें (पहला पुनरीक्षण)	आई एस 3007 (भाग 1) : 1964	99-04-30
8.	आई एस 3007 (भाग 2) : 1999—एसबेस्टास सीमेंट की चादरों का बिछाना—रीति संहिता भाग 2 अर्द्ध-नालीदार चादरें (पहला पुनरीक्षण)	आई एस 3007 (भाग 2) : 1965	99-04-30
9.	आई एस 3416 (भाग 2) : 1999 पालिएस्टर और काटन या पुनर्जीवित सैलूलोज के मिश्रण की गुणात्मक रासायनिक विश्लेषण की पद्धति भाग 2 ट्राइक्लोरो एमिटिक एमिट/ मिथाइलीन क्लोराइड (टी सी ए/एमसी) पद्धति	---	99-03-31
10.	आई एस 3536 : 1999—तैयार मिश्रित रंग रोगन, ब्रुश करने लायक, लकड़ी के लिये प्राइमर—विशिष्ट (पहला पुनरीक्षण)	आई एस 3536 : 1966	99-04-30
11.	आई एस 3975 : 1999 केबिल्स के कवच के लिए अल्प कार्बन जस्तीकृत इन्पात तारें, आकृति तारें और टेप—विशिष्ट (तीसरा पुनरीक्षण)	आई एस 3975 : 1988	99-03-31
12.	आई एस 5403 : 1999 खाद्य पदार्थ और पशु आहार के खमीर और फफूंदी गणन के लिये पद्धति (पहला पुनरीक्षण)	आई एस 5403 : 1969	99-05-31
13.	आई एस 5887 (भाग 3) : 1999—खाद्य विषाक्तता उत्पन्न करने वाले जीवाणुओं के संसूचन की पद्धतियां—भाग 3 सालमोनेलिया	आई एस 5887 (भाग 3) : 1976	99-05-31
14.	आई एस 5887 (भाग 6) : 1999—खाद्य विषाक्तता उत्पन्न करने वाले जीवाणुओं के संसूचन की पद्धतियां भाग 6 बैसिल्यस सिलियस की पहचान, गणन और पुष्टि	आई एस---	99-05-31
15.	आई एस 5932 : 1999—रोलिंग बेयरिंग—प्रणोद बेयरिंग—सीमा आयाम, सामान्य मापपत्र (पहला पुनरीक्षण)	आई एस 5932 : 1970	99-04-30

(1)	(2)	(3)	(4)
16.	आई एस 7009(भाग 1) : 1999—आई एस ओ मीट्रिक समलम्बी पेंचचूड़ियां भाग 1 आधारभूत प्रोफाइल और अधिकतम सामग्री प्रोफाइल (दूसरा पुनरीक्षण)	आई एस 7008(भाग 1) : 88	99-05-31
17.	आई एस 7177 : 1999—केन्द्र छिद्रक—विशिष्ट (पहला पुनरीक्षण)	आई एस 7177 : 1974	99-03-31
18.	आई एस 7638 : 1999—काष्ठ/लिग्नासेल्युलोज आधारित पेनल उत्पाद—नमूने लेने की पद्धतियां (दूसरा पुनरीक्षण)	आई एस 7638 : 1986	99-03-31
19.	आई एस 7784(भाग 2/खंड 4) : 1999 आर-पार जल निकास कार्यों के डिजाइन—रीति संहिता भाग 2 विशिष्ट अपेक्षाएं खंड 4 लेवेल क्रानिग (पहला पुनरीक्षण)	आई एस 7784(भाग 2/खंड 4) 1984	99-04-30
20.	आई एस 7810 : 1999—एल्यूमिनियम एवं उसके मिश्र धातुओं पर प्रतिरोध बिन्दु वेल्ड के रेडियोग्राफी परीक्षण के लिये रीति संहिता (पहला पुनरीक्षण)	आई एस 7810 : 1975	99-04-30
21.	आई एस 8035 : 1999—हथकरम—उथला कुआँ—विशिष्ट (पहला पुनरीक्षण)	आई एस : 8035 : 1976	99-04-30
22.	आई एस 8085(भाग 2) : 1999—फुटवियर की परीक्षण पद्धतियां भाग 2 फुटवियर का कार्यकारिता परीक्षण, शैक के कड़ेपन का परीक्षण, उपल्लों की क्रैकिंग के लिये लास्टोमीटर परीक्षण, और उपल्लों के कपड़ों, लेपित कपड़ों, पैनावे के अस्तर और अन्य सामग्री के लिये कार्यकारिता परीक्षण	—	99-06-30
23.	आई एस 8223 : 1999—घूर्णी दलैक्टिकल मशीनों के लिये आयाम एवं निर्गत श्रेणीक्रम (पहला पुनरीक्षण)	आई एस 8223 : 1976	99-04-30
24.	आई एस 8964 : 1999—काष्ठरूपण मशीनों की सुरक्षा शर्तें सिफारिशें (पहला पुनरीक्षण)	—	99-02-28
25.	आई एस 9103 : 1979—कंक्रिट एडमिक्स्चर—विशिष्ट (पहला पुनरीक्षण)	आई एस 9103 : 1979	99-04-30
26.	आई एस 9919 : 1999—बिजली की घूर्णी मशीनों में कार्बन ब्रशों के चयन और प्रयोग हेतु मार्गदर्शिका (पहला पुनरीक्षण)	आई एस 9919 : 1981	99-04-30
27.	आई एस 10350 : 1999—खिजाब पाउडर—विशिष्ट, (दूसरा पुनरीक्षण)	आई एस 10350 : 1993	99-03-31
28.	आई एस 10999 : 1999—कुमकुम पाउडर—विशिष्ट (पहला पुनरीक्षण)	—	99-05-31
29.	आई एस 11255(भाग 6) : 1999—स्थिर स्रोतों से उत्सर्जन-मापन की पद्धतियां भाग 6 अमोनिया	—	99-04-30

(1)	(2)	(3)	(4)
30.	आई एस 13360 (भाग 5/खंड 22) : 1999 प्लास्टिक— परीक्षण पद्धतियां भाग 5 यांत्रिक, गुणधर्म खंड 22 अपघर्षी पहियों द्वारा घर्षण के प्रति प्रतिरोधिता ज्ञात करना	---	99-05-31
31.	आई एस 14107 : 1999—गहुराई से पानी निकालने के लिये हथवरमे के विशिष्ट औजार—विशिष्ट	---	99-05-31
32.	आई एस 14151 (भाग 1) : 1999—सिचाई उपस्कर— स्प्रिंकलर पाइप भाग 1 पालीएथिलीन पाइप (पहला पुनरीक्षण)	आई एस 14151 (भाग 1) : 1994	99-02-28
33.	आई एस 14608 : 1999—पोतनिर्माण—खाना पकाने के साधनों सहित रसोई तथा पेन्ट्री के लिये संगत और वायु सशोधन	---	99-05-31
34.	आई एस 14635 : 1999—संघकन और बहिर्वेधन के लिये पालीट्रेट्राफ्लूरोथलीन (पी टी एफ) सामग्री—विशिष्ट	---	99-03-31
35.	आई एस 14648 : 1999—सौंदर्य प्रसाधन की सूक्ष्म जीव वैज्ञानिक परीक्षा के लिये परीक्षण विधियां	---	99-03-31
36.	आई एस 14649 : 1999—मिट्टर—विशिष्ट	---	99-04-30
37.	आई एस 14650 : 1999—पुनर्वेलन के लिये कार्बन इस्पात डबल बिलेट इंगट, बिलेट बलूम और स्लेब—विशिष्ट	---	99-04-31
38.	आई एस 14652 : 1999—18 प्रतिशत निकल मेरेजिंग इस्पात सरिए और छड़ें—विशिष्ट	---	99-04-30
39.	आई एस 14655 : 1999—विद्युत वायु प्रचालित सिगनल परिवर्तक	---	99-04-30
40.	आई एस 14660 (भाग 1) : 1999—पोत निर्माण—टंकी में पीने का पानी भरने के लिये भराव संयोजन भाग 1 सामान्य अपेक्षाएं	---	99-05-31
41.	आई एस 14662 : 1999—औद्योगिक रोबोट संचालन—शब्दावली	---	99-03-31
42.	आई एस 14665 (भाग 5) : 1999—विद्युत चालित लिफ्ट— विशिष्ट भाग 5 निरीक्षण मैन्युअल	---	99-05-31
43.	आई एस 14670 : 1999—पद्धति के द्रव स्थितिक दबाव परीक्षण के दौरान ध्वानिक उत्सर्जन निरीक्षण के लिये अनुशंसित रीति	---	99-04-30
44.	आई एस 14671 : 1999—हार्डडोलिक लिफ्टों के संस्थापन और अनुरक्षण के लिये रीति संहिता	---	99-05-31
45.	आई एस 14678 : 1999—सूचना प्रौद्योगिकी आंकड़ा प्रबन्ध का सर्वप्रथम माडल	---	99-05-31
46.	आई एस 14679 : 1999—तन्त्र शल्यक्रिया—अन्तर्गोपण अन्तर्गोपण योग्य परिधि सम्बन्धित तंत्रिका उत्तेजक	---	99-05-31
47.	आई एस 14684 : 1999—मूदा में नवजन एवं नवजनीय योगिकों को ज्ञात करना	---	99-04-30
48.	आई एस 14685 : 1999—मूदा में गंधक एवं गन्धकीय योगिकों को ज्ञात करना	---	99-06-30
49.	आई एस 14673 : 1999—खुले चैनलों में धीयर और फ्लूम द्वारा प्रवाह का मापन—त्रिकोणीय प्रोफाइल धीयर	---	99-05-31

(1)	(2)	(3)	(4)
50.	आई एस 14686 (भाग 2/खंड 1) : 1999—रेडियो सारम्बारता और समाक्ष केवल समुच्चय भाग 2 नम्य समाक्ष केवल समुच्चयों के लिये अनुभागीय विनिष्टि खंड 1 सामान्य	—	99-05-31
51.	आई एस 14700 (भाग 3/खंड 2) : 1999—विद्युत चम्बकीय सगतता (ई एम सी) भाग 3 सीमाएं खंड 2 सन्नगत धारा उत्सर्जन की सीमा (उपस्कर निवेश धारा 16 < प्रनिफेस)	—	99-04-30
52.	आई एस 14717 : 1999—बने हुए कपड़े दोपों का विवरण—शब्दावली	—	99-06-30
53.	आई एस क्यूसी 260200 : 1999—इलेक्ट्रानिकी एवं दूरसंचार उपस्कर में प्रयुक्त ट्रांसफार्मर एवं प्रेरक भाग 3 क्षमता अनुमोदन प्रक्रिया के आधार पर पावर ट्रांसफार्मरों की विषम विनिष्टि	—	99-02-28
54.	आई एस क्यूसी 960301 : 1999—इलेक्ट्रानिकी उपस्कर में उपयोग के लिये विद्युतयांत्रिक स्विच भाग 2 एक ध्रुव के लिये विस्तृत विनिष्टि, सीलरहित उपतद्यु संवेदनशील स्विच, अधिकतम 250 वो. अधिकतम 5 ए विद्युत रेटिंग	—	99-05-31

इन भारतीय मानकों की प्रतियां भारतीय मानक व्यूरो, मानक भवन, 9 बहादुरशाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कलकत्ता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, फरीदाबाद, गाजियाबाद, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, लखनऊ, नागपुर, पटना, पूना, तिरुवन्तापुरम, में बिक्री हेतु उपलब्ध हैं।

[स. के. प्र. वि./13 : 2]
जे. वैक्टरमन, अपर महानिदेशक

MINISTRY OF FOOD AND CONSUMER AFFAIRS

(Department of Consumer Affairs)

(BUREAU OF INDIAN STANDARDS)

New Delhi, the 6th August, 1999

S. O. 2411—In pursuance of clause (b) of sub-rule (1) of Rules (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notified that the Indian Standards, particulars of which are given in the Schedule hereto annexed, have been established on the date indicated against each:

SCHEDULE

Sl. No.	No. year and Title of the Indian Standards	No. & year of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1.	IS 18:1999—Information and documentation—Rules for the abbreviation of title words and titles of publications. (Third Revision)	IS 18:1988	99-05-31

(1)	(2)	(3)	(4)
2.	IS 554:1999—Pipe threads where pressure-tight joints are made on the threads—Dimensions, tolerances and designation (Fourth Revision)	IS 554:1985	99-05-31
3.	IS 1024:1999—Use of welding in bridges and structures subject to dynamic loading—Code of Practice. (Second Revision)	IS 1024:1979	99-02-28
4.	IS 2639:1999—Papad-Specification. (Third Revision)	IS 2639:1984	99-04-30
5.	IS 2643:1999—Pipe threads where pressure-tight joints are not made on the threads-Dimensions, tolerances and designation. (Second Revision)	—	99-05-31
6.	IS 2912:1999—Liquid flow measurement in open channels-slope-area method. (First Revision)	IS 2912:1964	99-03-31
7.	IS 3007 (Part 1):1999—Laying of asbestos cement sheets-Code of practice Part 1 Corrugated sheets. (First Revision)	IS 3007 (Part 1):1964	99-04-30
8.	IS 3007 (Part 2):1999—Laying of asbestos cement sheets—Code of practice Part 2 Semi-corrugated sheets. (First Revision)	IS 3007 (Part 2):1965	99-04-30
9.	IS 3416 (Part 2):1999—Method for quantitative chemical analysis of mixtures of polyester fibres with cotton or regenerated cellulose Part 2 Trichloro acetic acid/methylene chloride (TCA/MC) method.	—	99-03-31
10.	IS 3536:1999—Ready mixed paint, brushing, wood primer-Specification. (First Revision)	IS 3536:1966	99-04-30
11.	IS 3975:1999—Low carbon galvanized steel wires, formed wires and tapes for armouring of cables-Specification. (Third Revision)	IS 3975:1988	99-03-31
12.	IS 5403:1999—Method for yeast and mould count of foodstuffs and animal feeds. (First Revision)	IS 5403:1969	99-05-31
13.	IS 5887 (Part 3):1999—Methods for detection of bacteria responsible for food poisoning Part 3 General guidance on methods for the detection of salmonella. (Second Revision)	IS 5887 (Part 3):1976	99-05-31
14.	IS 5887 (Part 6):1999—Methods for detection of bacteria responsible for food poisoning Part 6 Identification, enumeration and confirmation of bacillus cereus.	—	99-05-31
15.	IS 5932:1999—Rolling bearings—Thrust bearings—Boundary dimensions, general plan (First Revision)	IS 5932:1970	99-04-30
16.	IS 7008 (Part 1):1999—ISO Metric trapezoidal screw threads Part 1 Basic profile and maximum material profile (Second Revision)	IS 7008 (Part 1):1988	99-05-31
17.	IS 7177:1999—Centre punches—Specification (First Revision)	IS 7177:1974	99-03-31
18.	IS 7138:1999—Wood/Lignocellulosic based panel products—Method of sampling (Second Revision)	IS 7638:1986	99-03-31

(1)	(2)	(3)	(4)
19. IS 7784 (Part 2/Sec 4):1999—Design of cross drainage works— Code of practice Part 2 Specific requirements Section 4 Level Crossings (First Revision)	IS 7784 (Pt. 2/Sec 4): 84		99-04-30
20. IS 7810:1999—Code of practice for radiographic examination of resistance spot welds on aluminium and its alloys (First Revision)	IS 7810:1975		99-04-30
21. IS 8035:1999—Handpump—Shallow well—Specification (First Revision)	IS 8035:1976		99-04-30
22. IS 8085 (Part 2):1999—Methods of test for footwear Part 2 Footwear performance test, stiffness test for shanks, lasto-meter test for cracking of uppers; and performance test for upper fabrics, coated fabrics, sock lining and other lining ma- terials.	—		99-06-30
23. IS 8223:1999—Dimensions and output series for rotating electri- cal machines (First Revision)	IS 8223:1976		99-04-30
24. IS 8964:1999—Safety conditions for woodworking machines— Recommendations (First Revision)	—		99-02-28
25. IS 9103:1979—Concrete admixtures—Specification (First Revision)	IS 9103:1979		99-04-30
26. IS 9919:1999—Guide for selection and use of carbon brushes in electrical rotating machines (First Revision)	IS 9919:1981		99-04-30
27. IS 10350:1999—Powder hair dyes—Specification (Second Revision)	IS 10350:1993		99-03-31
28. IS 10999:1999—Kum Kum powder—Specification (First Revision)	—		90-05-31
29. IS 11255 (Part 6):1999—Methods of measurement of emissions from stationary sources Part 6 Ammonia	—		99-04-30
30. IS 13360 (Part 5/Sec 22):1999—Plastics—Methods of testing Part 5 Mechanical properties Section 22 Determination of resistance to wear by abrasive wheels	—		99-05-31
31. IS 14107:1999—Special tools for deepwell handpumps—Specifi- cation	—		99-05-31
32. IS 14151 (Part 1):1999—Irrigation equipment—Sprinkler pipes— Specification Part 1 Polyethylene pipes (First Revision)	IS 14151 (Pt. 1):1994		99-02-28
33. IS 14608:1999—Shipbuilding—Ventilation and air-treatment of galleys and pantries with cooking appliances	—		99-05-31
34. IS 14635:1999—Polytetra-fluoroethylene (PTFE) materials for moulding and extrusion—Specification	—		99-03-31
35. IS 14648:1999—Method of test for microbiological examination of cosmetics	—		99-03-31
36. IS 14649:1999—Sindoor—Specification	—		99-04-30

(1)	(2)	(3)	(4)
37.	IS 14650:1999—Carbon steel cast billet ingots, billets, blooms and slabs for re-rolling purposes—Specification	—	99-04-30
38.	IS 14652:1999—18 Per cent nickel maraging steel bars and rods—Specification	—	99-04-30
39.	IS 14655:1999—Electro-pneumatic signal converters	—	99-04-30
40.	IS 14660 (Part 1):1999—Shipbuilding—Filling connection for drinking water tanks Part 1 General requirements	—	99-05-31
41.	IS 14662:1999—Manipulating industrial robots—Vocabulary	—	99-03-31
42.	IS 14665 (Part 5):1999—Electric traction lifts—Specification Part 5 Inspection manual	—	99-05-31
43.	IS 14670:1999—Recommended practice for acoustic emission inspection during hydrostatic pressure testing of system	—	99-04-30
44.	IS 14671:1999—Code of practice for installation and maintenance of hydraulic lift	—	99-05-31
45.	IS 14678:1999—Information technology—Reference model of data management	—	99-05-31
46.	IS 14679:1999—Neurosurgical implants—Implantable peripheral nerve stimulators	—	99-05-31
47.	IS 14684:1999—Determination of nitrogen and nitrogenous compounds in soils	—	99-04-30
48.	IS 14685:1999—Determination of total sulphur and sulphur compounds in soils	—	99-06-30
49.	IS 14673:1999—Liquid flow measurement in open channels by weirs and flumes—triangular profile weirs	—	99-05-31
50.	IS 14686 (Part 2/Sec 1):1999—Radio frequency and coaxial cable assemblies Part 2 Sectional specification for flexible coaxial cable assemblies Section 1 General	—	99-05-31
51.	IS 14700 (Part 3/Sec 2):1999—Electromagnetic compatibility (EMC) Part 3 Limits Section 2 Limits for harmonic current emissions (Equipment input current < 16A per phase)	—	99-04-30
52.	IS 14717:1999—Knitted fabrics—Description of defects—Vocabulary	—	99-06-30
53.	IS QC 260200:1999—Transformers and inductors for use in electronic and telecommunication equipment Part 3 Sectional specification for power transformers on the basis of capability approval procedure	—	99-02-28
54.	IS QC 960301:1999—Electro-mechanical switches for use in electronic equipment Part 6 Sectional specification for sensitive switches Section 2 Detail specification for one pole, unsealed subminiature sensitive switches, 250 V Maximum, 5 A Maximum electrical rating	—	99-05-31

Copy of these Indian Standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices: New Delhi, Calcutta, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmadabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Faridabad, Ghaziabad, Guwahati, Hyderabad, Jaipur, Kanpur, Lucknow, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. CMD-1/13:2]

J. VENKATARAMAN, Addl. Director General

नई दिल्ली, 6 अगस्त, 1999

का. प्रा. 2412:—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के उपनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :

अनुसूची

क्रम लाइसेंस संख्या सं.	स्वीकृत करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम व पता	शीर्षक भारतीय मानक	भारतीय मानक सं./भाग/अनुभाग वर्ष	
(1)	(2)	(3)	(4)	(5)	(6)
1. 6117152	96/12	जी डी आर सिलिण्डर्स प्राइवेट लिमिटेड बी, 16, 17, 18 आईडीए, रेनीगन्ता, चित्तूर, चित्तूर-517520	अल्पदाब द्रवणीय गैसों के लिए 5-लिटर से अधिक जल- क्षमता वाले वेल्डित कल्प- कार्बन इस्पात के सिलिण्डर	आईएस 03196 : 92 भाग 01	
2. 6116958	96/12	मरुति द्यूल्स प्राइवेट लिमिटेड 123/2, आईडीए, कोर्लापल्ली हैदराबाद-500 051	पानी का आपूर्ति के लिये उच्च घनत्व वाले पोलीएथिलीन पाइप	आईएस 04984 : 87	
3. 6117253	96/12	पृथ्वी पॉलीमर्स प्रा. लि., 212/1, आईडीए, फेस 2, कोर्लापल्ली, आर आर जिला	पानी की आपूर्ति के लिए उच्च घनत्व वाले पोलीएथिलीन पाइप	आईएस 04984 : 87	
4. 6117354	96/12	वामसी पालीमर्स 51, आईडीए, फेस 2, कोर्लापल्ली, हैदराबाद हैदराबाद-500 051	पानी की आपूर्ति के लिए उच्च घनत्व वाले पोलि एथिलीन पाइप	आई एस 04984 : 87	
5. 6116655	96/12	हैदराबाद सिलिण्डर्स प्रा. लि. 37 वा. किमी. हैदराबाद बंगलौर हाईवे, गांव नन्दीगांव तालूक शादनगर, जिला महबूब नगर	अल्पदाब द्रवणीय गैसों के लिए 5-लिटर से अधिक जलक्षमता वाले वेल्डित अल्पकार्बन इस्पात सिलिंडर भाग 1 द्रवों के लिए सिलिंडर	आई एस 03196 : 92 भाग 01	
6. 6116352	96/12	हिन्दुस्तान मेटल इंडस्ट्रीज, ए-9, इंड. एरिया, मौलाली, हैदराबाद-500 040	बटरफ्लाई वाल्व, सामान्य कार्यों के लिए	आई एस 13095 : 91	
7. 6116554	96/12	पवन पावर प्राइवेट प्रा. प्लॉट नं. 141/1, एस.बी. सी. इंड. एस्टेट, गांव बोलाराम, मेडक जिला	शिरोपरि प्रेषण कार्यों के लिए एल्यूमीनियम के चालक भाग 4 एल्यूमीनियम मिश्रधातु लकड़दार चालक एल्यू-मैगनी-सिलि	आई एस 00398 : 76 भाग 04	
8. 6116453	96/12	विजयलक्ष्मी इंस्टीट्यूट्स एण्ड पेस्टीसाइड्स प्रा. लि., इष्वाकोटोपोस्ट, कोथापेट तालूक जिला पूर्व गोवावरी	जल परिक्षेपणीय कारबोराइल	आई एस 07121 : 73	

(1)	(2)	(3)	(4)	(5)	(6)
9.	6116756	96/12	तबणकोर केमिकल एण्ड मैनु. कं. लि. पी. बी. नं. 19, कलमसरी, बाल्वाई-683 104	2. 4-डी सोडियम लवण तकनीकी ग्रेड	आई एस 01488 : 89
10.	6117556	96/12	ग्राइट इंडरप्राइसेज 57, गणपति मेम रोड, प्रिमीयर इंड. एस्टेट, कुण्णाराजपुरम्, कोयम्बतूर	एक फेस लघु ए. सी. और सार्विक बिजली की मोटर	आई एस 00996 : 79
11.	6117455	96/12	श्री शारदा वनस्पति प्रा. लि. 2/64, कोयम्बतूर रोड, श्रीलापलयम पोस्ट, बेल्लाकोविल-638 113	वनस्पति	आई एस 10633 : 86
12.	7121855	96/12	एपीएन कन्सल्टेंट्स नं. 4, जीवन प्रकाश कं. सम्मुख एचएसजी सोसाइटी कम्पाउंड; लुहस बाड़ी, थाणे-400 604	बिजली के आवरणों के लिए ज्वालासह आवरण	आई एस 02148 : 1981
13.	7121653	96/12	एन्कोर इंडस्ट्रीज, जी-18/1, एमआई डीसी, तारापुर, थाणे जिला	द्रवित पेट्रोलियम गैसों के साथ प्रयुक्त घरेलू गैस चूल्हा	आई एस 04246 : 92
14.	7120954	96/12	गीता प्रॉडक्ट्स पीछे बैरक नं. 1861, सेक्टर 39 भाटिया हास्पिटल रोड, उत्तहासनगर, थाणे जिला 421 005	तेलदाब स्टोव और तेलदाब हीटर के लिए बर्नर	आई एम 08808 : 86
15.	7121956	96/12	ज्योति इंडस्ट्रीज, गाला नं. 1, ग्राउण्ड फ्लोर, वेस्टन विंग इलेक्ट्रोन हाउस, सी एस नं. 914, प्रभादेवी रोड, बर्ली, मुम्बई-400 025	घरेलू प्रयोजनों के लिए स्टेन- लेस इस्पात के सिंक	आई एस 13983 : 94
16.	7120752	96/12	मणिलाल एण्ड कंपनी, 54-58, मोलाना आजाद रोड रंगवाला कम्पाउंड, मुम्बई-400 001	तेलदाब स्टोव	आई एस 01342 : 88
17.	7120449	96/12	न्युएज प्लास्टिक्स प्राइवेट लि., शेड नं. 5, मल्हार इंड. एस्टेट, प्रियंका नगरी, बाघेली, पुणे-412 207	सिचाई उपकरण—सिचाई लैंटरन्स	आई एस 12786 : 89
18.	7119969	96/12	पूर्वी पम्पस प्राइवेट लि., सर्वे नं. 50/19/69 एट बारबे, अम्बेगांव रोड, समीप वाडगांव धयारे, हवेली टी ए, पुणे जिला 411 041	कृषि कार्यों के लिए साफ ठंडे पानी के मीनोसैट पम्प	आई एस 09079 : 89
19.	7121047	96/12	सांघी आबसीजन (बम्बई) प्रा. लि. महाकाली गुफा रोड, अंधेरी (पू), बम्बई 400 093	एसीटीपलीन जेनरेटर भाग 4 मध्यम दाब उचित पानी के कार्बाइड और कार्बाइड पानी के प्रकार	आई एस 08471 : 77 भाग 4

(1)	(2)	(3)	(4)	(5)	(6)
20.	7121754	96/12	अशोक इंडिया. एग्री प्रोडक्ट्स सी-5/2, एमआईडीसी, अजन्ता रोड, जलगांव-425 003	पेयजल आपूर्ति के लिए गैर-प्लास्टिक पीवीसी पाइप	आईएस 04985 : 88
21.	7120550	96/12	सेन्ट्रल केबल्स प्रा. लि., जी-11, एमआईडीसी इंड. एरिया, नागपुर-440 022	अनुप्रस्थ जुड़े हुए पॉलीइथाइलीन विद्युतरोधी ताप स्थायी डके केबल भाग 1 1100 वो. तक की कार्यकारी वोल्टता के लिए	आईएस 07098 : 93 भाग 01
22.	7120651	96/12	सेन्ट्रल केबल्स प्रा. लि., जी-11, एमआईडीसी इंड. एरिया, नागपुर-440 022	पीवीसी रोधित (भारी कार्य) बिजली की केबल भाग 2, 3. 3 किवो. से 11 किवो तक की कार्यकारी वोल्टता के लिए	आईएस 01554 : 88 भाग 02
23.	7120348	96/12	नितिन इंडस्ट्रीज 20, वधानी इंड. एस्टेट, दूसरा तल, एल बी एस मार्ग, सम्मुख : श्रेयांस अभेना, पाटकोपर (प) मुम्बई-400086	उच्च क्षमता के शुष्क पाउडर टाइप अग्निशामक यंत्रों (ट्रॉली पर रखें) की विशिष्ट	आईएस 10658 : 83
24.	7121148	96/12	प्लास्टो इंटीग्रेशन सिस्टम्स (इंडिया) लि., ब्लॉक डी-1, प्लॉट नं. 10 एम आई डी सी, चिन्चवाड़, पुणे-411019	सिचार्ड उपस्कर (सर्जक)	आईएस 13487 : 92
25.	7122251	96/12	प्रीमियर इंटीग्रेशन इन्क्यूमेंट लि. प्लॉट नं बी-9, बुटीबोरी इंड. एरिया, एम आई डी सी, नागपुर	सिचार्ड तंत्र के छिड़काव यंत्र के लिए पालीइथाइलीन पाइप	आईएस 14151 : 94 भाग 1
26.	7122150	96/12	बॉम्बे इलेक्ट्रोड्स लिमिटेड, 496 भाग्यलक्ष्मी इंड. एस्टेट, गांव रखनपुर, ता : कलोल, जिला मेहसाणा-382721	हस्त धातुआर्क वेल्डिंग के लिए आवृत्त कार्बन और कार्बन-मैंगनीज इस्पात इलेक्ट्रोड	आईएस 00814 : 91
27.	7121552	96/12	फाइन प्लो प्लास्टिक इंडस्ट्रीज, बमन	पेयजल आपूर्ति के लिए गैर-प्लास्टिक पी वी सी पाइप	आईएस 04985 : 88
28.	7121451	96/12	गुजरात सिद्धी सीमेंट लि., सिद्धीग्राम, समीप प्रशनवाडा गांव, वीरावल कोदीनार रोड, वीरावल, जिला जूनागढ़-362276	चिनाई सीमेंट	आईएस 03466 : 88
29.	7120853	96/12	पायलट प्लास्टिक्स पारदी संघपौर, भोगरावाड़ी, बलसाढ़-396001	घरेलू और समान कार्यों के लिए स्विच	आईएस 03854 : 88

(1)	(2)	(3)	(4)	(5)	(6)
30	7122049	96/12	ए सी ई इलेक्ट्रिकल्स प्रा. लि. ऑफ नं. 347, गांव श्रीदक, तासुक एंव पोस्ट महुआ, जिला सुरत-294250	शिरोपरि प्रेषण कार्यों के लिए एल्युमीनियम के चालक भाग 1 एल्युमीनियम के लड़दार चालक	आईएस 00398 : 76 भाग 01
31.	7121350	96/12	पायलट प्लास्टिक्स पारदी सन्धपोर, मोगरावाडी, बलसाङ-396001	सीलिंग रोज	आईएस 00371 : 79
32.	7121249	96/12	श्री साईनाथ फाइबर प्राइवेट लिमिटेड, सर्वे नं. 205/10(7) हिंमराज इंडस्ट्रियल एस्टेट, समीप वाटर सप्लाई स्कीम गांव धाबेल, नानीदमन (के शा क्षेत्र)-396210	पी वी सी रोधित (भारी कार्य) विजली के केबल भाग 1 1100 वोल्ट तक की कार्यकारी वोल्टता के लिए	आईएस 01554 : 88 भाग 01
33.	8174780	96/12	अर्जुन इंटरनेशनल सी-194, मायापुरी, फेस 2, नई दिल्ली-110064	द्रवित पेट्रोलियम गैसों के साथ प्रयुक्त घरेलू गैस चूल्हा	आईएस 04246 : 92
34.	8173374	96/12	दीवान स्पन पाइप, 17, पुराना रोशनपुरा, नजफगढ़, दिल्ली	पूर्वदलित कंक्रीट पाइप (प्रबलन सहित और रहित)	आईएस 00458 : 88
35.	8174881	96/12	प्रिया इंडस्ट्रीज, 1255, सुभाष रोड, गांधी नगर दिल्ली-110051	द्रवित पेट्रोलियम गैसों के साथ प्रयुक्त घरेलू गैस चूल्हा	आईएस 04246 : 92
36.	8175681	96/12	अमर स्टील वर्क्स, ई-20, संत नगर, दिल्ली-110018	भारी दरवाजों के लिए (द्रवचालित) नियंत्रित फर्ण कमानियां	आईएस 06315 : 92
37.	8176279	96/12	क्लामिक केबल्स सम्मुख : पेट्रोल पम्प नौगांव रोड, छतरपुर महिपालपुर-471111	गॉट फायरिंग केबल	आईएस 05950 : 84
38.	8176178	96/12	चार्म शिल्प उद्योग सहकारी समिति मर्यादित, प्लॉट नं. 5/एफ हैवी इंडस्ट्रियल एरिया, हथखोज, दुर्ग, भिलाई-491001	चमड़े के सुरक्षा बूट और जूते	आईएस 01989 : 86 भाग 02
39.	8174073	96/12	गोरानी इंडस्ट्रीज लिमिटेड, 32-33 सैक्टर एफ, संवर रोड, इंडस्ट्रियल एरिया, इंदौर-452006	गैरदाब स्टोव	आईएस 02980 : 86
40	8176077	96/12	सॉथबी एम्बेस्टास सीमेंट लि. (यूनिट नं. 3) प्लॉट नं. 66, सैक्टर 3, इंडस्ट्रियल एरिया, धार, पोतमपुर	एम्बेस्टास सीमेंट के दाब पाइप	आईएस 01592 : 89

(1)	(2)	(3)	(4)	(5)	(6)
41. 8176380	96/12	प्रीमियर न्यूट्रिशन, 55-ए/56 ईड. एरिया नं. 1 ए.बी. रोड, देवास-455001	बुध पाउडर		आई एस 01165 : 92
42. 8173677	96/12	डी एल एफ सीमेंट लिमिटेड, पी.ओ. रात्रियावास, तह. : जयतरन, पाली, पाली ।	43 ग्रेड साधारण पोर्टलैंड सीमेंट		आई एस 08112 : 89
43. 8173576	96/12	डी एल एफ सीमेंट लिमिटेड, पी.ओ. रात्रियावास, तहसील : जयतरन, पाली पाली	33 ग्रेड साधारण पोर्टलैंड सीमेंट		आई एस 00269 : 89
44. 8173980	96/12	हिमप्लांस इंडिया प्रा. लि., ए-214 (सी) इंडस्ट्रियल एरिया, बागरू (एक्सटेंशन) जयपुर	पानी की आपूर्ति के लिए उच्च घनत्व वाले पोलिएथिलीन पाइप		आई एस 04984 : 87
45. 8173475	96/12	अशोक मैन्यूफैक्चरिंग कं. ई-49, रिको इंड. एरिया, सीकर (राजस्थान)	43 ग्रेड साधारण पोर्टलैंड सीमेंट		आई एस 08112 : 89
46. 8175883	96/12	जोबनेर सीमेंट (प्रा.) लि., 1 कि.मी. स्टोन, जोबनेर रोड, फुलेरा, जयपुर-303338	43 ग्रेड साधारण पोर्टलैंड सीमेंट		आई एस 08112 : 89
47. 8175984	96/12	महल सीमेंट्स (प्रा.) लि., दाखला रोड, पोस्ट सरण्ड, जयपुर	43 ग्रेड साधारण पोर्टलैंड सीमेंट		आई एस 08112 : 89
48. 8173778	96/12	मुक्तदा सीमेंट प्रा. लि., डिगसी, झालावाल रोड, तहसील : रामगंज मंडी, कोटा	43 ग्रेड साधारण पोर्टलैंड सीमेंट		आई एस 08112 : 89
49. 8175479	96/12	फुलेरा सीमेंट प्रा. लि., पी.ओ. पिपलिया कला, जिला पाली (राज.)-306307	43 ग्रेड साधारण पोर्टलैंड सीमेंट		आई एस 08112 : 89
50. 8175580	96/12	राजपूताना सीमेंट्स प्रा. लि., बुचकला बाया पीपर सिटी, जोधपुर	43 ग्रेड साधारण पोर्टलैंड सीमेंट		आई एस 08112 : 89
51. 8175782	96/12	विजयसोलिबक्स लिमिटेड, पुराना इंडस्ट्रियल एरिया, इतराणा रोड, अलवर 301 001	वतस्पति की पैकिंग के लिए नम्य पैकेजबंदी सामग्री		आई एस 11352 : 85
52. 9129174	96/12	एलेन्जर्स मेडीकल प्राइवेट्स प्रा. लि., भंकरपुर मुबारकपुर रोड, जिला पटियाला, डेराबस्ती (पंजाब)	नैदानिक चिकित्सा एक्स-रे उपस्कर की विशिष्टि		आई एस 07620 : 86 भाग 01

(1)	(2)	(3)	(4)	(5)	(6)
53.	9129982	96/12	पूजा एप्लायसेस इंड., 2065, एम आई ई बहादुरगढ़ (हरियाणा)	द्रवित पेट्रोलियम गैसों के साथ प्रयुक्त घरेलू गैस बूल्हा	आई एस 04246 : 92
54.	9128778	96/12	पावल फूड्स स्पेशिएलिटीस (प्रा.) लि., 166-167 किमी. स्टोन, जी. टी. रोड, खानपुर कोलियन, कुरुक्षेत्र 132 131	मलाई सहित दूध पाउडर भाग 1 मानक ग्रेड	आई एस 13334 : 92 भाग 1
55.	9128879	96/12	साइक्रोन इंस्ट्रुमेंट्स इंड., 83 गोविन्द नगर, जिला अम्बाला अम्बाला छावनी (हरियाणा)	सूक्ष्मदर्शी के लिए द्विनेत्रीकाणं	आई एस 08275 : 76
56.	9128374	96/12	ओम्बरसीज केबल्स लि., डी-99, फोकल प्वाइंट राजपुरा (पंजाब)	अनुप्रस्थ जुड़े हुए पॉलीइथिलीन विद्युतरोधी तापस्थायी ठके केबल भाग 1 1100 वोल्ट तक की कार्यकारी वोल्टता के लिए	आई एस 07098 : 88 भाग 01
57.	9130058	96/12	केसलक इंडिया (प्रा) लि., 55 इंड. एरिया, फरीदाबाद 121 001	मिरीशार बत्ती उपकरण भाग 5 विशेष अपेक्षाएं	आई एस 10322 : 85 भाग 5 खंड 03
58.	6118053	96/12	क्यू फ्लैक्स केबल्स लि., बैगाडामंगलम रोड, कण्डीगई गांव, मैलाकाट्टादयूर, भद्रास 600048	1100 वोल्ट तक की कार्यकारी वोल्टता के लिए पीवीसी रोधित केबल	आई एस 00694 : 90
59.	6117758	96/12	चन्नागिरी सीमेंट्स प्रा. लि., आर. सर्वे नं. 114/2 एण्ड 115 उत्तूरगांव, मधोल तालुक बीजापुर जिला 587313	43 ग्रेड साधारण पोर्टलैंड सीमेंट	आई एस 08112 : 89
60.	6118255	96/12	रोटोर्क कंट्रोल्स (इंडिया) लि., 153, इंडस्ट्रियल सबर्ब 11 स्टेज, यशवन्तपुर, बंगलौर 560 022	बिजली के आवरण के लिए उबाला सह आवरण	आई एस 02148 : 88
61.	6117657	96/12	सभा सोलर एनर्जी, 3/1, लक्ष्मी ब्लॉक, गंगेनाहल्ली, बंगलौर 560 084	सौर सपाट पट्टिका संग्राहक भाग अपेक्षाएं	आई एस 12933 : 92 भाग 01
62.	6118457	96/12	कन्स्ट्रक्शनल इंजीनियर्स एण्ड बिल्डर्स, 1-8-582, इंडस्ट्रियल एरिया, अजमाबाद, हैदराबाद 500-020	एस्बेस्टोस सीमेंट बाब पाइपों के साथ प्रयुक्त अलग हो सकने वाले लोहे के जोड़	आई एस 08794 : 88
63.	6118760	96/12	हेरीताज फूड्स (इंडिया) लि., गोकुल कॉर्पोरेटला, चन्द्रागिरी मंडल, धिलूर जिला।	मलाई सहित दूध पाउडर	आई एस 13334 : 92 भाग 01
64.	6117960	96/12	सनग्लो इलेक्ट्रिकल्स प्रा. लि., प्लॉट नं. 70, फेस 3, आईडीए, जीडिमेतला, हैदराबाद-500 855	पीवीसी रोधित (भारी कार्य) बिजली की केबल भाग 1 1100 वोल्ट तक की कार्य- कारी वोल्टता के लिए	आई एस 01554 : 88 भाग 01

(1)	(2)	(3)	(4)	(5)	(6)
65.	6118861	96/12	ओमेगा पाइप्स लिमिटेड 33/1310, बीसीपी चालिकावटम्, बेननाला पी. ओ., कोचिन 682 028	पेयजल आपूर्ति के लिए गैर- प्लास्टिक पीपीसी पाइप	आई एस 04985 : 88
66.	6117859	96/12	ब्रूक्स इंजी. इंडस्ट्रीज, इकाई 2, 114 बी/सी, वीके रोड, थानेर, मंडल, पीलामेडू, कोयम्बतूर, 641 0044	कृषि कार्यों के लिए साफ, ठंडे पानी के मोनोसैट पम्प	आई एस 09079 : 89
67.	6118558	96/12	कोयम्बतूर राजेंद्रा इंडस्ट्रीज, 7, एवारांम पलायम रोड, गणपतम, कोयम्बतूर 641006	खुले कुएं के लिए निमज्जम पम्पसेट	आई एम 14220 : 94
68.	8176481	96/12	आलिशान केबल इंडस्ट्रीज, 902/290, गली नं. 2, शालीमार इंडस्ट्रियल एरिया, शालीमार गांव, दिल्ली 110052	1100 वोल्ट तक की कार्यकारी वोल्टता के लिए पीपीसी रोधित केबल	आई एस 00694 : 90
69.	8178081	96/12	अग्नि होम [एप्पलायसेंस बी-79, जी. टी. करनाल रोड, इंडस्ट्रियल कॉम्प्लेक्स, दिल्ली 110 033	विद्युत इस्तरी	आई एस 00366 : 91
70.	8177685	96/12	एक्टिव इंडस्ट्रीज, खसरा नं. 1068, गांव भलस्वा, समीप जहांगीरपुरी, दिल्ली दिल्ली 110033	1100 वी. तक की कार्यकारी वोल्टता के लिए पीपीसी रोधित केबल	आई एस 00694 : 90
71.	8177584	96/12	जी. के. इंटरप्राइजेज (प्रा) लि. सी-7, सेक्टर 58, नौएडा 201 301	निमज्जन मोटरों के वाइडिंगन तार	आई एम 08783 : 78
72.	8174376	96/12	निर्मल इलेक्ट्रिकल्स, 266/1, गली नं. 7 पदम नगर किशनगंज, दिल्ली 110007	250 वोल्ट तक की रेटित वोल्टता और 16 एम्पीय तक की रोधित धारा के लिए प्लग साकेट आउटलेट	आई एस 01293 : 88
73.	8174174	96/12	सिंगलाट्रॉनिक्स (इंडिया) प्रा. लि., एसई-67, सिंगलापुर, शालीमार बाग दिल्ली 110052	एक फेज लघु ए. सी. और सर्विक बिजली की मोटर	आई एस 00996 : 79
74.	8178182	96/12	अग्नि होम एप्पलायसेंस बी-79, जी. टी. करनाल रोड, इंडस्ट्रियल एरिया, दिल्ली, 110 033	घरेलू और समान विद्युत साधनों की सुरक्षा भाग 2 विवरणात्मक अपेक्षाएं खंड 3 विद्युत इस्तरी	आई एस 00302 : 92 भाग 02 खंड 03
75.	8174275	96/12	केलमेक्स इलेक्ट्रिकल्स, इन्फ्यूजेड-46, हरी सिंह पार्क, न्यू मुलतान नगर न्यू रोहतक रोड, नई दिल्ली 110056	खनिज भरे खोलदार तापन एलीमेंट	आई एस 04159 : 83

(1)	(2)	(3)	(4)	(5)	(6)
76. 8178485	96/12	के.के. इलैक्ट्रिकल्स बी-151 हरी नगर, नई दिल्ली-110064	पानी गर्म करने के इस्टैंट हीटर	आई एस 08979 : 92	
77. 8178586	96/12	के.के. इलैक्ट्रिकल्स, बी-151, हरी नगर, नई दिल्ली-110064	बिजली के पानी गर्म करने के भंडारण किस्म के स्थिर हीटर	आई एस 02082 : 93	
78. 8176582	96/12	निशा केबल कं. (प्रा) लि., 7/86 बी, अर्जुन गली, विश्वास नगर, शाहदरा, दिल्ली-110032	निमज्जन मोटरों के वार्डिंग तार	आई एस 08783 : 78	
79. 8178273	96/12	सुपर डायमंड इंडस्ट्रीज, सी-55, खजानबस्ती, नांगलराय, नई दिल्ली-110046	घरेलू और समान विद्युत साधनों की सुरक्षा भाग 2 विवरणात्मक अपेक्षाएं खंड 3 विद्युत इस्तेमाल	आई एस 00302 : 92 भाग 02 खंड 03	
80. 8178384	96/12	शिकोभाइट प्रा. लि., 91, गांव छत्तरपुर, नई दिल्ली-110030	मिनीदार बत्ती उपकरण भाग 5 बत्ती उपकरण की विशेष अपेक्षाएं खंड 1	आई एस 10322 : 85 भाग 05 खंड 01	
81. 8174679	96/12	एस.एन. इलैक्ट्रिकल इंडस्ट्रीज डी-2/13, मॉडल टाउन, दिल्ली-110009	बिजली के पानी गर्म करने के भंडारण किस्म के स्थिर हीटर	आई एस 02082 : 93	
82. 8176986	96/12	एग्रो इक्विपमेंट कं. लि., 46-पोलोग्राउंड, इंडस्ट्रियल एरिया, इंदौर	निमज्जनीय पम्पसेटों की विशिष्ट	आई एस 08034 : 89	
83. 8177281	96/12	बाग सीमेंट लि., गांव रामपुरा, तहसील कुकशी, धार	43 ग्रेड साधारण पोर्टलैंड सीमेंट	आई एस 08112 : 89	
84. 8177483	96/12	हीना इंडस्ट्रीज, एफ-18, रोड नं. 11 ए, गोविन्दपुरा इंडस्ट्रियल एस्टेट, भोपाल-462023	बायो गैस बूल्हा	आई एस 08749 : 88	
85. 8174578	96/12	श्रीवा पम्प प्रा. लि., पी.ओ. एंड गांव मंदिर हसौद, रायपुर	निमज्जनीय पंपसेटों की विशिष्ट		
86. 8179083	96/12	अंकित पाइप्स प्रा. लि., एफ-124 (ए एण्ड बी) इंडस्ट्रियल एरिया, बिन्दायक जयपुर	एस्बेस्टॉस सीमेंट के दाब पाइप	आई एस 01592 : 89	
87. 8177079	96/12	कामधेनु इस्पात लिमिटेड, ए-1114, रिको इंडस्ट्रियल एरिया, फेस 3, अलवर, भिवानी-301019	कंक्रीट प्रबलन के लिये उच्च सामर्थ्य विन्यासित इस्पात के सरिए और तार	आई एस 01786 : 85	
88. 8177180	96/12	सोबर प्लास्टिक प्राइवेट लिमिटेड, प्लॉट नं. जी-222-226, रिको इंड. एरिया, फेस सीतापुरा, जयपुर	पेयजल आपूर्ति के लिये गैर- प्लास्टिक पीवीसी पाइप	आई एस 04985 : 88	

(1)	(2)	(3)	(4)	(5)	(6)
89. 8177887	96/12	एग्रोपेंट्स प्राइवेट लिमिटेड, ए-115-ए, इंडस्ट्रियल एरिया, अलवर, भिवाडी-301019	वांछित रंग के शुष्क डिस्टेंपर	आई एस 00427 : 65	
90. 8176683	96/12	श्री सीमेंट लि., बेंगूर नगर, बयावर मसूवा रोड, पी.बी. नं. 33, अजमेर, बयावर-305901	53 ग्रेड साधारण पोर्टलैंड सीमेंट	आई एस 12269 : 87	
91. 8178990	96/12	बजाज कारपेट इंडस्ट्रीज लि., नौएडा दादरी हाईवे, पी.ओ. कुलेस्वा, जिला गाजियाबाद	बस्त्रादि फर्श आवरण-टफटेड कालीन	आई एस 05884 : 93	
92. 8178889	96/12	बायर इंडिया लि., डी 31/1 इंडस्ट्रियल एरिया, मेरठ रोड, गाजियाबाद	सिफलुधिन धुलनशील पाउडर	आई एस 14158 : 94	
93. 8176784	96/12	बिडला यामहा लि., गांव लाल तापर, देहरादून-248140	कृषि कार्यों में छिड़काव और ऐसे ही उपयोगों के लिये छोटे साइज के इस्पात प्रज्वलन इंजनों की कार्यकारिता	आई एस 07347 : 74	
94. 8178788	96/12	इंडियन एलपीजी सिलिंडर्स (इकाई : साधु राम बंसल एण्ड संस) 20/8 मीलपत्थर, चकराता रोड, सीलाकुई जिला देहरादून (यू.पी.)	अल्पदाब द्रवणों के गैसों के लिये 5 लिटर से अधिक जलक्षमता वाले वेल्डेट अन्य कार्बन इस्पात के सिलिंडर भाग 2 एलपीजी सिलिंडरों के लिये	आई एस 03196 : 92 भाग 02	
95. 8173879	96/12	प्रेम शान्ति पेंट्स (प्रा) लि., डी-115 सार्कट नं. 1, इंड. एरिया, बुलन्दशहर रोड, गाजियाबाद (उत्तर प्रदेश)	सीमेंट रोगन	आई एस 05410 : 92	
96. 8176885	96/12	स्वराज पेस्टीसाइड्स प्रा. लि., ए-61/3, इंडस्ट्रियल एरिया, सिकन्दराबाद (उ.प्र.)	क्लोरोपाइरीफास पायसनीय सांद्र	आई एस 08944 : 78	
97. 8177382	96/12	यू.पी. स्टेट एग्रो इंडस्ट्रीज कारपोरेशन लि., दिल्ली रोड, अछेजा, हापुड़, जिला गाजियाबाद	ठोस जैवभार चूल्हा भाग 1 सुवाह्य (धात्विक)	आई एस 13152 : 91 भाग 01	
98. 9130664	96/12	आधुनिक इंडस्ट्रियल कारपोरेशन आउटसाईड ओहरी गेट, बटाला (पंजाब) -143505	अर्पणित और संवातन के लिये रेत के सांचों में ठले लोहे के स्पिंगट और साकेट पाईपप्रफिटिंग और सहायकांग	आई एस 01729 : 79	
99. 9131969	96/12	आरसी इंडस्ट्रीज लि., 7वां फि.मी., बारवाला रोड, तलबन्डी राई, हिसार (हरियाणा)-125001	पेयजन आपूर्ति हेतु, सोवरोचन पीबीसी फिटिंग की निर्गणित भाग 2 सफिट हेतु निर्गणित अवस्थाएं	आई एस 10124 : 88 भाग 02	

(1)	(2)	(3)	(4)	(5)	(6)
100.	9131565	96/12	अवधेश ट्रेक्स प्रा. लि., ब्लाक डेराबस्मी, जिला पटियाला, गांव जवाहरपुर (पंजाब)	कंक्रीट प्रबलन के लिये उच्च सामर्थ्य विन्यासित इस्पात सरिण और तार	आई एस 01786 : 85
101.	9132466	96/12	वासुण्डा स्पन पाईप इंडस्ट्रीज, जिला मण्डी, गांव एबं पोस्ट नेर चौक (हि. प्र.)	पूर्ववर्तित कंक्रीट पाईप (प्रबलन सहित और रहित)	आई एस 00458 : 88
102.	9129578	96/12	चीफ माइंटिफिक इंडस्ट्रीज, 3704, पन्ना कटिज, अम्बाला कैंट (हरियाणा)-133001	सूक्ष्मदर्शी के लिये छिन्नीकाएं	आई एस 08275 : 76
103.	9129881	96/12	दीप कैमिकल इंडस्ट्री, गांव जथेरी, पोस्ट जथेरी, सोनीपत (हरियाणा)	फिनोर्लिक टाईप रोगाधनाशी द्रव	आई एस 01061 : 82
104.	9131363	96/12	शिवालिक एंथ्रो कैमिकल्स, बी-59, फेस 7, जिला रोपड़, सास नगर (पंजाब)	मोनोक्रोटोफॉस एमएल	आई एस 08074 : 90
105.	9131161	96/12	यूनाइटेड पेंट्स 2043-44, मॉडर्न इंड. एस्टेट जिला रोहतक, बहादुरगढ़ (हरियाणा)	वर्णित रंग के शुष्क डिस्टेंपर	आई एस 00427 : 65
106.	9132062	96/12	उक्ता कोटल एंड पौल्ट्री फीड इंडस्ट्री, ट्रेथ बोर्ड, बारीब्राह्मण जम्मू-181133	पशुओं के लिये मिश्रित प्राहार	आई एस 02052 : 79
107.	9131767	96/12	विराट मेटल कंडाघाट, जिला सोलन (हि. प्र.)	बाड़ लगाने के लिये जस्तीकृत इस्पात के फाटिबार तार	आई एस 00278 : 78
108.	9130260	96/12	बी.एस. मेटल एण्ड स्टील वर्क्स, एस-19, इंडस्ट्रियल एरिया, जालंधर-144004	जलकल प्रयोजनों के लिये ताम्बा मिश्रधातु के गेट, ग्लोव और चेक वाल्व	आई एस 00778 : 84
109.	9129679	96/12	चीफ साइंटिफिक इंड. 3704, पन्ना कटिज, अम्बाला छावनी (हरियाणा)-133001	रोग निदान हेतु सूक्ष्मदर्शी	आई एस 04381 : 67
110.	9129730	96/12	चीफ साइंटिफिक इंड. 3704 पन्ना कटिज, अम्बाला छावनी (हरियाणा) -133001	विद्यार्थियों हेतु प्रयोग दार्ष्ट सूक्ष्मदर्शी	आई एस 03686 : 66
111.	9130563	96/12	फनीसाइड्स (इंडिया) लि., सिडको इंड. काम्प्लेक्स, रोड नं. 4 फेस 2, बारी ब्राह्मण जम्मू	केपटेन डब्ल्यूपी	आई एस 11785 : 86
112.	9132163	96/12	हिन्दुस्तान प्लास्टिक्स एण्ड मेटल कंटेनर्स मैनु. कं., रोहतक रोड, जींद, गांव किशनपुरा	18 लिटर के चौकोर कनस्तर	आई एस 00916 : 89

(1)	(2)	(3)	(4)	(5)	(6)
113. 9131060	96/12	जगत सीमेंट्स प्रा. लि., तिरलोकपुर रोड, कलाश्रम्ब, जिला सिमौर (हि. प्र.)	43 ग्रेड साधारण पोर्टलैंड सीमेंट	आई एस 08112 : 89	
114. 9127978	96/12	नेस्ले इंडिया लि., जी.टी. रोड, समीप किंगवा केनल, मोगा (पंजाब)-142001	दूधधान्य से बने दूध छुड़ाने के आहार	आई एस 01656 : 85	
115. 9131262	96/12	यूनाइटेड पेंट्स 2043-44, मार्डन इंड. एस्टेट, जिला रोहतक, बहादुरगढ़, (हरियाणा)	सीमेंट रोगन	आई एस 05410 : 92	
116. 9131868	96/12	विराट मटल कण्डाघाट, जिला सोलन (हि. प्र.)	जस्तीकृत इस्पात की शृंखलानुमा बाड़ पर लगाने की जाली	आई एस 02721 : 79	
117. 9132264	96/12	पार्वतिया प्लाईवुड प्रा. लि., गांव शिवालालपुर, नैनीताल, रामनगर-244715	लकड़ी के सपाट दरवाजे के शटर (ठोस कोर प्रकार) भाग 1 प्लाईवुड सतहयुक्त पल्ले	आई एस 02202 : 91 भाग 01	
118. 9132365	96/12	डबल पावर इंड. आईजी/82, एन.आई.टी., फरीदाबाद-121001	एक फेज लघु ए.सी. और सर्विक बिजली की मोटर	आई एस 00996 : 79	
119. 9130866	96/12	पटौदीगोल्ड सीमेंट (प्रा) लि., पटौदी हैली मण्डी, मेहचाना रोड, पटौदी, गुड़गांव, पटौदी	33 ग्रेड साधारण पोर्टलैंड सीमेंट	आई एस 00269 : 89	
120. 9131666	96/12	अनु प्राइवेट लिमिटेड, तिगांव रोड, पुराना फरीदाबाद, फरीदाबाद (हरियाणा)-121002	एंटराजीन डबल्यू पी	आई एस 12931 : 90	
121. 9130967	96/12	पटौदी गोल्ड सीमेंट (प्रा) लि., पटौदी हैली मण्डी, मेहचाना रोड, पटौदी, गुड़गांव, पटौदी	43 ग्रेड साधारण पोर्टलैंड सीमेंट	आई एस 08112 : 89	
122. 8177786	96/12	लता सीमेंट प्रा. लि., ग्राम: दिलवाला, अजमेर बाइपास रोड, आउटसाइड आक्टिंग पोस्ट अजमेर, बयावर	43 ग्रेड साधारण पोर्टलैंड सीमेंट	आई एस 08112 : 89	
123. 9130361	96/12	गणेश पाईप इंडस्ट्रीज, नाभा रोड, गांव माक्षी भवानीगढ़, जिला संगरूर (पंजाब)	पूर्व ढलित कंक्रीट पाइप (प्रबलन सहित और रहित)	आई एस 00458 : 88	
124. 5070450	96/12	ब्रह्मपुत्र आयरन एण्ड स्टील कं. (प्रा.) लि., अमिनगाँव, 1119 किमी. एनएच-31, जिला कामरूप, गुवाहाटी, असम-781031	सामान्य इंजीनियरी प्रयोजनों के लिये मृद इस्पात के तार सरिए	आई एस 07887 : 92	
125. 5071755	96/12	कोल्लिहरी इक्विपमेंट एंड स्पेयर्स 3 तरपण घाट रोड, कलकत्ता-700053	बिजली के मूलभूत निरापद उपकरण और परिपथ	आई एस 05780 : 80	

(1)	(2)	(3)	(4)	(5)	(6)
126.	5070248	96/12	सिग्नस स्प्रिंकलर मैनुफैक्चरिंग कं., 222, गरिया मेन रोड, कलकत्ता-700084	सिचाई उपस्कर-धूर्णीफहारक	आई एस 12232 : 87 भाग 01
127.	5071856	96/12	एंबरेस्ट प्लास्टिक इंडस्ट्रीज, 1, चिटपुर घाट लेन, कलकत्ता-700002	पानी की आपूर्ति के लिये उच्च घनत्व वाले पोलिएथिलीन पाइप	आई एस 04984 : 87
128.	5071351	96/12	मिजोरम कंडक्टर्स एण्ड केबल्स, इंडस्ट्रियल एस्टेट, जुआंगसुई पी.ओ. जामाबांक, एजवाला मिजोरम	शिरोपरि प्रेषण कार्यों के लिये एल्युमीनियम के चालक भाग 4 एल्युमीनियम मिश्रधातु लड़दार चालक एल्युमी-मैग्नी-सिलिकान टाईप	आई एस 00398 : 76 भाग 04
129.	5069970	96/12	पीसीएमएक्स हाइजीन प्राइवेट्स प्रा. लि., गांव गुणीपुर, पी.ओ. महेशचल्ला, 24 परगना (ब.), प. बंगाल	फिनोलीक टाईप रोगाणुनाशी प्रवाह	आई एस 01061 : 82
130.	5071654	96/12	राकमन्सप्लाई प्राइवेट लिमिटेड, ए.टी. रोड, मकुम अंकनन, तिनसुकिया, असम	सामान्य प्रयोजनों के लिये प्लाईवुड	आई एस 00303 : 89
131.	5070147	96/12	श्री कृष्ण इंडस्ट्रीज, 81, नीलगंज रोड, अगरपाड़ा, 24 परगना (उ.) पश्चिम बंगाल	अग्नि होज प्रदाय युग्मन शाखा पाईप नोजल और नोजल पाने की विनिष्टि	आई एस 00903 : 93
132.	5071452	96/12	ट्रेडव्यापार प्रा. लि., केल्विन जूट मिल की एक इकाई, 25 पार्क रोड, 24 परगना (उ.) प. बंगाल	वस्त्रादि-अनाज भरने के लिये बी-ट्विल पटसन के बोरे	आई एस 02566 : 93
133.	5071957	96/12	बिक्टोरिया स्टीम रोप वर्क्स लिमिटेड, 88 कालेज रोड, शिवपुर, जिला हावड़ा	पालीप्रोपानिन रस्सी	आई एस 05175 : 92
134.	5070551	96/12	ब्रह्मपुत्र आयर्न एंड स्टील कं. (प्रा.) लि., अमिनगांव, 1119 किमी., एनएच-31, जिला-कामरूप, गुवाटी, असम-781031	कंक्रिट प्रबलन के लिये उच्च सामर्थ्य विन्धापित इस्पात सरिण और तार	आई एस 01786 : 85
135.	5070854	96/12	नार्थ ईस्टर्न केबल्स एण्ड कंडक्टर्स (प्रा.) लि., इ.ड. एस्टेट, सिन्नमोरा, जोरहाट 8 असम	शिरोपरि प्रेषण कार्यों के लिये एल्युमीनियम के चालक	आई एस 00398 : 76 भाग 05
136.	5070046	96/12	टक ट्यूब्स प्राइवेट लिमिटेड, गांव डेवचा, पी.ओ. उनारा- जम्बेडिया, पी.एस. बोरजोरिया, बांकूरा (प. बंगाल)	घोर नलकूपों के लिये अनम्यकृत पीबीसी जाली और आवरक पाईप	आई एस 12818 : 92

(1)	(2)	(3)	(4)	(5)	(6)
137.	5071553	96/12	ट्रेड व्यापार प्रा. लि., केलियन जूट मिल की एक इकाई, 25 पार्क रोड, पी.ओ. तालपुकर, 24 परगना, (उ.) प. बंगाल	वस्त्रावि-ए-द्विल पटसन के बोरे	आई एस 01943 : 95
138.	5070349	96/12	स्नेहधारा इंडस्ट्रीज लि., अम्पावली गांव, पोदेंगी तहसील, जिला कोरापुट, उड़ीसा	पोर्टलैंड स्लेग सीमेंट	आई एस 00455 : 89
139.	5070652	96/12	सरकार इंडस्ट्रीज, "सरकार हाउस", वार्ड नं. 5, दिदली, अदित्यपुर, जमशेदपुर, बिहार-831013	चमड़े के सुरक्षा बूट और जूते भाग 02	आई एस 01989 : 86 भाग 02
140.	5071250	96/12	मेनोस्पाक इंजीनियरिंग प्रा. लि., इंडस्ट्रियल एरिया, पटना-800013	उत्पाद जोड़ "सी" के लिये षटकोणीय शीर्ष वाले काबले, पेंच और द्विबरियां	आई एस 01363 : 92 भाग 02
141.	5071048	96/12	मरक्यूरियम सिरडो इंडस्ट्रियल एस्टेट, बी.आई.टी. मेधा, रांची-835215	इस्पात संरचनाओं के लिये षटकोणीय काबले	आई एस 06639 : 72
142.	5071149	96/12	मरक्यूरियम सिरडो इंडस्ट्रियल एस्टेट, बी.आई.टी. मेधा, रांची-835215	उत्पाद जोड़ "सी" के लिये षटकोणीय शीर्ष वाले काबले, पेंच और द्विबरियां	आई एस 01363 : 92 भाग 03
143.	5072050	96/12	नेशनल जूट मैन्युफैक्चरर्स कारपोरेशन, लि., पी.ओ. कटिहार मिल्स, कटिहार-854107	खाद्यान्न पैक करने के लिये पटसन के बोरे-50 कि. ग्रा.	आई एस 12650 : 89
144.	5070753	96/12	सरकार इंडस्ट्रीज, "सरकार हाउस" वार्ड नं. 5, विहली, अदित्यापुर, जमशेदपुर, बिहार-831013	चमड़े के सुरक्षा बूट और जूते भाग 1 खनिकों के लिये	आई एस 01989 : 86 भाग 01
145.	8174477	96/12	के.एम. केबल्स, 4ए/17, गौतम गली, न्यू विश्वास नगर, दिल्ली-110032	1100 वोल्ट तक का कार्यकारी वोल्टता के लिये पीवीसी रोधित केबल	आई एस 00694 : 90
146.	9132769	96/12	अनन्त बैल्टिंग कारपोरेशन, जी.टी. रोड, जिला सोनीपत, गांव राई (हरियाणा)-131029	पट्टे औद्योगिक प्रयोजन के लिये निरन्ज वी-पट्टे भाग 1 सामान्य प्रयोजन	आई एस 02494 : 74 भाग 01
147.	9135371	96/12	अनमोल केबल (प्रा.) लि., जी.टी. रोड, जण्डियालागुरु, अमृतसर (पंजाब)	शिरोपरि प्रेषण कार्यों के लिये एल्यूमीनियम के चालक भाग 2	आई एस 00398 : 88 भाग 02
148.	9133771	96/12	क्रैनस पॉलीमर्स (प्रा) लि., 22, इंड. काम्प्लेक्स, जिला अमृतसर-143423 गोविन्दवाल साहिब (पंजाब)	पेंचजल आपूर्ति के लिये गैर- प्लास्टिकृत पीवीसी पाईप	आई एस 04985 : 88

(1)	(2)	(3)	(4)	(5)	(6)
149. 913367	96/12	सेफेक्स केमीकल्स इंडिया लि., ए-2, एम आई ई, दिल्ली-रोहतक रोड, बहादुरगढ़ (हरियाणा)– 124507	क्विनालफास पायसनीय सांद्र	आई एस 08028 : 87	
150. 9135472	96/12	अनमोल केबल (प्रा) लि., जी.टी. रोड, जंजीयालागुरु, अमृतसर(पंजाब)	1100 वोल्ट तक की कार्यकारी वोल्टता के लिये पीवीसी रोधित	आई एस 00694 : 90	
151. 9135573	96/12	अनमोल केबल (प्रा) लि., जी.टी. रोड, जंजीयालागुरु, अमृतसर(पंजाब)	पीवीसी रोधित (भारी कार्य) बिजली की केबल भाग 1 1100 वोल्ट तक की कार्यकारी वोल्टता के लिये	आई एस 01554 : 88 भाग 01	
152. 9134369	96/12	वारा केमीकल इंड. प्रा.लि., 625, मार्डन इंडस्ट्रियल एस्टेट, जिला रोहतक बहादुरगढ़	डाईक्लोरवाज पायसनीय सांद्रण	आई एस 05277 : 78	
153. 9133266	96/12	डरिक इन्सेक्टोसाइड्स लि., प्लॉट नं. 2 एम आई ई, बहादुरगढ़ (हरियाणा)–124507	फेनवेलरेट, ई. सी.	आई एस 11997 : 87	
154. 9133872	96/12	यूनाइटेड पेंट्स 2043-44 मार्डन इंड. एस्टेट, जिला रोहतक बहादुरगढ़ (हरियाणा)	इनेमल, आन्तरिक : (क) अधलेपन (ख) परिसज्जा	आई एस 00133 : 93	

[सी. एम. डी./13 : 11]
जे. वेंकटरमन, अपर महानिदेशक

New Delhi, the 6th August, 1999

S. O. 2412.—In pursuance of Sub-regulation (5) of the Bureau of Indian Standards (Certification) Regulations, 1988, of Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule.

SCHEDULE

Sl. No.	Licence No.	Operative Date	Name & address (factory) of the party	Title of the standard	IS:No./Part/Sec & Year
1	2	3	4	5	6
1.	6117152	96/12	G D R Cylinders Private Limited B 16, 17, 18, IDA Renigunta Chittoor Chittoor- 517520	Welded low carbon steel cylinder exceeding 5 litre water capacity for low pressure liquifiable gases: Part 1 Cylinders for liquefied petroleum gas (L.P.G.) (fourth revision)	IS 03196-92 Part 01

1	2	3	4	5	6
2.	6116958	96/12	Maruthi Tubes Private Limited 123/2 IDA Cherlapally Hyderabad Hyderabad 500051	High density polyethylene pipes for potable water supplies; sewage and industrial effluents (third revision)	IS 04984:87
3.	6117253	96/12	Pridhvi Polymers Pvt. Ltd. 212/1, IDA, Phase II, Cherlapally RR District	High density polyethylene pipes for potable water supplies; sewage and industrial effluents (third revision)	IS 04984:87
4.	6117354	96/12	Vamsce Polymers 51, IDA Phase II Cherlapally Hyderabad Hyderabad 500051	High density polyethylene pipes for potable water supplies; sewage and industrial effluents (third revision)	IS 04984:87
5.	6116655	96/12	Hyderabad Cylinders Pvt. Ltd. 37th, K.M. Hyderabad Bangalore Highway Vill. Nandigoan TQ. Shadnagar Distt. Mahboob Nagar	Welded low carbon steel cylinder exceeding 5 litre water capacity for low pressure liquifiable gases: Part 1 Cylinders for liquefied petroleum gas (LPG) (fourth revision)	IS 03196-92 Part 01
6.	6116352	96/12	Hindustan Metal Industries A 9, Indl. Estate Moulali Hyderabad 500 040	Butterfly valves for general purposes	IS 13095:91
7.	6116554	96/12	Pawan Power Products Pvt Ltd Plot No. 141/1 S.V.C. Indl. Estate Village Bollaram Medak Distt.	Aluminium conductors for overhead transmission purposes : Part 4 Aluminium alloy stranded conductors (aluminium magnesium silicon type) (third revision)	IS 00398:76 Part 04
8.	6116453	96/12	Vijayalakshmi Insecticides & Pesticides P. Ltd. Ethakota Post, Kothapet TQ. Distt. E. Godavari	Carbaryl water dispersible powder concentrate (Amendments 3)	IS 07121:73
9.	6116756	96/12	Travancore Chemical & Mfg. Co. Ltd. P.B. No. 19, Kalamassery Alwaye 683 104	2, 4-D Sodium salt technical (third revision) (Amendment No. 1)	IS 01488:89
10.	6117556	96/12	Bright Enterrises 57, Ganapathy Main Road Premier Indl. Estate Krishnarajapuram Coimbatore 641 006	Single phase small ac and universal electric motors (second revision) (Amendments 2)	IS 00996:79
11.	6117455	96/12	Shri Saradha Vanaspathy Pvt. Ltd. 2/64, Coimbatore Road Clapalayam Post Vellakovil 638 113	Vanaspati (first revision) (Amendment 1)	IS 10633:86

1	2	3	4	5	6
12.	7121855	96/12	APN Consultants No. 4, Jeevan Prakash Co. Op HSG Society Compound Luice Wadi Thane (W) 400 604	Flameproof enclosures for electrical apparatus (second revision) (Amendment Nos. 2)	IS 02148:81
13.	7121658	96/12	Endore Industries G-18/1, MIDC Tarapur Thane District	Domestic gas stoves for use with liquefied petroleum gases (fourth revision)	IS 04246:92
14.	7120954	96/12	Geeta Products Behind Barrack No. 1861 Section 39 of Bhatia Hospital Road, Ulhasnagar Thane Dist. 421 005	Burner for oil pressure stoves and oil pressure heaters (first revision) (Amendment 1)	IS 08808:86
15.	7121956	96/12	Jyoti Industries Gali No. 1, Ground Floor (Western Wing), Electron House C.S. No. 914, Off. Prabhadevi Road, Worli Mumbai 400 025	Stainless steel sinks for domestic purposes	IS 13983:94
16.	7120752	96/12	Manilal Company 5 -58 Maulana Azad Rd. Rangwala Compound Mumbai 400 011	Oil Pressure stoves (fifth revision) (Amendment 1)	IS 01342:88
17.	7120449	96/12	Newage Plastics Private Ltd. Shed No. 5, Malhar Indl. Estate Priyanka Nagari, Wagheli Pune 412 207	Irrigation equipment—polyethylene pipes for irrigation laterals (Amendment 1)	IS 12786:89
18.	7119969	96/12	Purvi Pumps Private Ltd. Survey No. 50/12/6B At Warhay Ambegaon Road Near Vadgaon Dhayaray, Haveli TA Pune District 411 041	Monoset pumps for clear, cold water for agricultural purposes (first revision) (Amendments 2)	IS 09079:89
19.	7121047	96/12	Sanghi Oxygen (Bombay) Private Ltd. Mahakali Caves Road Andheri (East) Mumbai 400 093	Requirements for acetylene generators : Medium pressure, stationary, of water-to-carbide and carbide-to-water type (Amendment 1)	IS 08471-77 Part 04
20.	7121754	96/12	Ashok India Agro Products C-5/2, MIDC Ajantha Road Jalgaon 425003	Unplasticised PVC pipes for potable water supplies (second revision) (Amendment 1)	IS 04985:88

1	2	3	4	5	6
21.	7120550	96/12	Central Cables Pvt. Ltd. G-11, MIDC Indl. Area Nagpur 440022	Crosslinked polyethylene insulated PVC sheathed cables: Part 1 For working voltage up to and including 1100 V (first revision) (Amendment 1)	IS 07098:88 Part 01
22.	7120651	96/12	Central Cables Pvt. Ltd. G-11, MIDC Indl. Area Nagpur 440022	PVC insulated (heavy duty) electric cables: Part 2 For working voltages from 3.3 kV upto and including 11 kV (first revision) (Amendment No. 1)	IS 01554:88 Part 02
23.	7120348	96/12	Nitin Industries 29, Vadhani Indl. Estate 2nd Floor L.B.S. Marg Opp. Shreyans Anema Ghatkopar (W), Bombay 400086	Higher capacity dry powder fire extinguisher (trolley mounted) (Amendment 1)	IS 10658-83
24.	7121148	96/12	Plastro Irrigation Systems (I) Ltd. Block D-1, Plot No. 10, MIDC Chindhwad Pune 411 019	Irrigation equipment—emitters	IS 13487:92
25.	7122251	96/12	Premier Irrigation Equipment Ltd. Plot No. B-9 Buti Bori Industrial Area MIDC Nagpur	Polyethylene pipes for sprinkler irrigation systems: Part 1 Pipes	IS 14151:94 Part 01
26.	7122150	96/12	Bobshell Electrodes Limited 496 Bhagyalakshmi Indl. Estate Vil. Rakanpur Tal Kalol Distt. Mahesana 382721	Covered electrodes for manual metal arc welding of carbon and carbon manganese steel (Fifth revision)	IS 00814:91
27.	7121552	96/12	Fine Flow Plastic Industries Daman 396	Unplasticised PVC pipes for potable water supplies (second revision) (Amendment 1)	IS 04985:88
28.	7121451	96/12	Gujarat Sidhee Cement Ltd. Siddhigram Near Prashanawada Vill. Off. Veraval Kodinar Road Veraval Distt. Junagarh 362276	Masonry cement (second revision) (Amendment 1)	IS 03466:88
29.	7120853	96/12	Pilot Plastics Pardi Sandhpore Mograwadi Valsad 396001	Switches for domestic and similar purposes (first revision) (Amendments 3)	IS 03854:88
30.	7122049	96/12	ACE Electricals Pvt. Ltd. Block No. 347, Village Ondach Talluk & Post Mahuva Distt. Surat 394250	Aluminium conductors for overhead transmission purposes: Part 1 Aluminium standard conductors (second revision) (Amendment No. 1)	IS 00398:76 Part 01

1	2	3	4	5	6
31.	7121350	96/12	Pilot Plastics Pardi Sandhpore Mograwadi Valsad 396001	Ceiling roses (second revision) (Amendments 4)	IS 00371:79 —
32.	7121249	96/12	Shree Sainath Fibres Private Limited Survey No. 205/10(7) Hingraj Industrial Estate Near Water Supply Scheme Villag Dhabel Nani Daman (Union Territory) 396210	PVC insulated (heavy duty) electric cables: Part 1 For working voltages upto and including 1100 V (Third revision)	IS 01554:88 Part 01
33.	8174780	96/12	Arjun International C-194, Mayapuri Phase II, New Delhi 110064	Domestic gas stoves for use with liquefied petroleum gases (fourth revision)	IS 04246:92
34.	8173374	96/12	Diwan Spun Pipe 17, Old Roshanpura Najafgarh Delhi	Precast concrete pipes (with and without reinforcement) (third revision) (Amendments 2)	IS 00458:88
35.	8174881	96/12	Priya Industries 1255, Subhash Road Gandni Nagar Delhi 110051	Domestic gas stoves for use with liquefied petroleum gases (fourth revision)	IS 04246:92
36.	8175681	96/12	Amar Steel Works E-20, Sant Garh New Delhi 110018	Floor springs (hydraulically regulated) for heavy doors (second revision)	IS 06315:92
37.	8176279	96/12	Classic Cables Opp. Petrol Pump Nowgong Road Chatarpur Harpalpur 471111	Shot firing cables (for use other than in shafts) (first revision)	IS 05950:84
38.	8176178	96/12	Charm Ship Udyog Sahakari Samiti Maryadit Plot No. 5/F Heavy Industrial Area Hathkhoj Durg Bhilai 491001	Leather safety boots and shoes for heavy metal industries (fourth revision) (Amendment No. 1)	IS 01989:86 Part 02
39.	8174073	96/12	Gorani Industries Limited 32-33 Sector F Sanwer Road Industrial Area Indore 452006	Non-pressure stoves (second revision) (Amendments 3)	IS 02980:86

1	2	3	4	5	6
40.	8176077	96/12	Sanghvi Asbestos Cement Ltd. (Unit No. 3) Plot No. 66, Sector 3 Industrial Area Dhar Pithampur	Asbestos cement pressure pipes (Third revision)	IS 01592:89
41.	8176380	96/12	Premier Nutritions 55-A/56, Indl. Area No. 1 A.B. Road Devas 455001	Milk powder (Fourth revision) (Amendment 1)	IS 01165:92
42.	8173677	96/12	DLF Cement Limited P.O. Rabriyawas Tehsil : Jaitaran Pali	43 grade ordinary Portland cement (first revision) (Amendments 3)	IS 08112:89
43.	8173576	96/12	DLF Cement Limited P.O. Rabriyawas Tehsil : Jaitaran Pali	33 Grade ordinary portland cement (forth revision) (Amendments 3)	IS 00269:89
44.	8173980	96/12	Himplas India Pvt. Ltd. A-214 (C), Industrial Area Bagru (Extension) Jaipur	High density polyethylene pipes for potable water supplies; sewage and industrial effluents (third revision)	IS 04984:87
45.	8173475	96/12	Ashoka Manufacturing Co. E-49, Riico Indl. Area Sikar (Raj.)	43 grade ordinary Portland cement (first revision) (Amendments 3)	IS 08112:89
46.	8175883	96/12	Joener Cement (P) Ltd. 1 Kilometer Store, Joener Road Phulera Jaipur Phulera 303338	43 grade ordinary Portland cement (first revision) (Amendments 3)	IS 08112:89
47.	8175984	96/12	Mahal Cements (P) Ltd. Dabla Road, P.O. Surund Jaipur	43 grade ordinary Portland cement (first revision) (Amendments 3)	IS 08112:89
48.	8173778	96/12	Mukandra Cement Pvt. Ltd. Dingsi, Jhalawar Road Tehsil : Ramganj Mandi Kota	43 grade ordinary Portland cement (first revision) (Amendments 3)	IS 08112:89
49.	8175479	96/12	Phulera Cement Pvt. Ltd. PO Pipalia Kalan Distt. Pali (Rajasthan) 306307	43 grade ordinary Portland cement (first revision) (Amendments 3)	IS 08112:89
50.	8175580	96/12	Rajputana Cements Pvt. Ltd. Buchkala Via Piper City Jodhpur	43 grade ordinary Portland cement (first revision) (Amendments 3)	IS 08112:89

1	2	3	4	5	6
51.	8175782	96/12	Vijay Solvex Limited Old Industrial Area Itarana Road Alwar Alwar-301001	Flexible packs for the packing of vanaspati (Amendments 3)	IS 11352:85
52.	9129174	96/12	Allengers Medical Products Pvt. Ltd. Bhankarpur Mubarakpur Road Distt. Patiala Derabassi (Punjab)	Diagnostic medical X-ray equipment : Part 1 General and safety requirements	IS 07620:86 Part 01
53.	9129982	96/12	Pooja Appliances Inds. 2065, M.I.E. Bahadurgarh (Haryana)	Domestic gas stoves for use with liquefied petroleum gases (fourth revision)	IS 04246:92
54.	9128778	96/12	Parul Foods Specialities (P) Ltd. 166-167, KM Stone, G.T. Road Khanpur Kollan Kurukshetra (Haryana) 132131	Skim milk powder: Part 1 Standard grade (Amendment 1)	IS 13334:92 Part 01
55.	9128879	96/12	Micron Instruments Inds. 83, Gobind Nagar Distt. Ambala Ambala Cantt (Haryana)	Binocular eyepieces for microscope (Amendment 1)	IS 08275-76
56.	9128374	96/12	Overseas Cables Ltd. D-99, Focal Point Rajpura (Punjab)	Crosslinked polyethylene insulated PVC sheathed cables : Part 1 For working voltage up to and including 1100 V (first revision) (Amendment 1)	IS 07098:88 Part 01
57.	9130058	96/12	Keslec India (P) Ltd. 55, Indl. Area Faridabad-121 001	Luminaires: Part 5 Particular requirements, Sec 1 General purpose luminaires	IS 10322:85 Part 05 Sec 01
58.	6118053	96/12	Q Flex Cables Ltd. Vengadamangalam Road, Kandigai Village Melakottaiyur Madras-600 048	PVC Insulated cables for working voltages upto and including 1100 V (third revision) (Amendment No. 1 to 4)	IS 00694:90
59.	6117758	96/12	Channagiri Cement Pvt. Ltd. R. Survey No. 114/2 & 115 of Uttur Village, Mudhol Taluk Bijapur District 587 313	43 grade ordinary Portland cement (first revision) (Amendments 3)	IS 08112:89
60.	6118255	96/12	Rotork Controls (India) Ltd. 153, Industrial Suburb II Stage, Yeswanthpur Bangalore-560 022	Flameproof enclosures for electrical apparatus (second revision) (Amendment Nos. 2)	IS 02148-81

1	2	3	4	5	6
61.	6117657	96/12	Sabha Solar Energy 3/1, Lakshmiah Block Gangenahalli Bangalore 560 084	Solar flat plate collector: Part 1 Requirements (first revision) (Amendments 2)	IS 12933:92 Part 01
62.	6118457	96/12	Constructional Engineers & Builders 1-8-582, Industrial Area Azamabad Hyderabad 500 020	Cast iron detachable joints for use with asbestos cement pressure pipes (first revision) (Amendment 1)	IS 08794:88
63.	6118760	96/12	Heritage Foods (India) Ltd. Gokul Kashipentla, Chandragiri Mandal Chittoor District	Skim milk powder : Part 1 Standard grade (Amendment 1)	IS 13334:92 Part 01
64.	6117960	96/12	Sunglow Electricals Pvt. Ltd. Plot No. 70 Phase III IDA Jeedimetla Hyderabad 500 855	PVC insulated (heavy duty) electric cables : Part 1 For working voltages upto and including 1100 V (Third revision)	IS 01554:88 Part 01
65.	6118861	96/12	Omega Pipes Limited 33/1310, B.C.D. Chalikkavattom Vennala P.O. Cochin 682028	Unplasticised PVC pipes for potable water supplies (second revision) (Amendment 1)	IS 04985:88
66.	6117859	96/12	Brooks Engg. Industries, Unit II 114 B/C, VK Road, Thanner Pandal, Peelamedu Coimbatore 641 004	Monoset pumps for clear, cold water for agricultural purposes (first revision) (Amendments 2)	IS 09079:89
67.	6118558	96/12	Coimbatore Rajendra Industries 7, Avaram Palayam Road Ganapatmm Coimbatore 641 006	Openwell submersible pumpsets	IS 14220:94
68.	8176481	96/12	Alishan Cable Industries 902/290, Street No. 2, Shalimar Industrial Area, Shalimar Village, Delhi 110052	PVC Insulated cables for working Voltages upto and including 1100 V (third revision) (Amendment No. 1 to 4)	IS 00694:90
69.	8178081	96/12	Agni Home Appliances B-79, G.T. Katnal Road, Industrial Complex, Delhi 110033	Electric irons (fourth revision)	IS 00366:91
70.	8177685	96/12	Active Industries Khasra No. 1068, Village Bhalswa, Near Jahangir Puri, Delhi 110033	PVC Insulated cables for working voltages upto and including 1100 V (third revision) (Amendment No. 1 to 4)	IS 00694:90

1	2	3	3	5	6
71.	8177584	96/12	G.K. Enterprises (P) Ltd. C-7, Sector 58, Noida 201301	PVC insulated winding wires for submersible motors for 80 degree celsius operation (Amendments 3)	IS 08783:78
72.	8174376	96/2	Nirmal Electricals 266/1, Gali No. 7, Padam Nagar, Kishan Ganj, Delhi 110007	Plugs and socket outlets of rated voltages up to and including 250 volts and rated current up to and including 16 amperes (second revision) (Amendments 3)	IS 01293:88
73.	8174174	96/12	Singlatronics (India) Pvt. Ltd. SE-67, Singlapur, Shalimar Bagh, Delhi 110052	Single-phase small ac and universal electric motors (second revision) (Amendments 2)	IS 00996:79
74.	8178182	96/12	Agni Home Appliances B-79, G.T. Karnal Road, Industrial Complex, Delhi 110033	Safety of household and similar electrical appliances: Part 2 Particular requirements Sec 3 Electric iron	IS 00302:92 part 02 Sec 03
75.	8174275	96/12	Kelmax Electricals WZ-46, Hari Singh Park New Multan Nagar New Rohtak Road New Delhi 110056	Mineral filled sheathed heating elements (second revision) (Amendments 6)	IS 04159:83
76.	8178485	96/12	K.K. Electricals B-151, Hari Nagar New Delhi 110064	Electric instantaneous water heaters (second revision) (Amendment 1)	IS 08978:92
77.	8178586	96/12	K.K. Electricals B-151, Hari Nagar New Delhi 110064	Stationary storage type electric water heaters (third revision) (Amendments 1)	IS 02082:93
78.	8176582	96/12	Nisha Cable Co. (P) Ltd. 7/86 B, Arjun Gali, Vishwas Nagar, Shahdara, Delhi 110032	PVC insulated winding wires for submersible motors for 80 degree celsius operation (Amendments 3)	IS 08783:78
79.	8178283	96/12	Super Diamond Industries C-55, Khazan Basti Nangal Raj New Delhi 110046	Safety of household and similar electrical appliances: Part 2 Particular requirements, Sec 3 Electric iron	IS 00302:92 Part 02 Sec 03
80.	8178384	96/12	Shinkolite Pvt. Ltd. 91, Village Chattarpur New Delhi 110030	Luminaires: Part 5 Particular requirements, Sec 1 General purpose luminaires	IS 10322:85 Part 05 Sec 01
81.	8174679	96/12	S.N. Electrical Industries D-2/13, Model Town Delhi 110009	Stationary storage type electric water heaters (third revision) (Amendment 1)	IS 02082:93

1	2	3	4	5	6
82.	8176986	96/12	Agro Equipment Co. Ltd. 46-Pologround Industrial Area Indore Indore	Submersible pumpsets (first revision) (Amendments 3)	IS 08034:89
83.	8177281	96/12	Bagh Cement Ltd. Village Rampura Tehsil Kukshi Dhar Dhar	43 grade ordinary Portland cement (first revision) (Amendments 3)	IS 08112:89
84.	8177483	96/12	Heena Industries F-18 Road No. 11A, Govindpura Industrial Estate Bhopal Bhopal 462023	Bio gas stove (first revision) (Amendments 2)	IS 08749:88
85.	8174578	96/12	Shriya Pumps Pvt. Ltd. P.O. & Village Mandir Hasoud Raipur Raipur	Submersible pumpsets (first revision) (Amendments 3)	IS 08034:89
86.	8179083	96/12	Ankit Pipes Pvt. Ltd. F-124 (A&B) Industrial Area Bindayaka Jaipur Jaipur	Asbestos cement pressure pipes (Third revision)	IS 01592:89
87.	8177079	96/12	Kamdhenu Ispat Limited A-1114, Riico Industrial Area Phase-III Alwar Bhiwadi 301019	High strength deformed steel bars and wires for concrete reinforcement (Third revision) (superseding IS:1139-1966) (Amendment No. 1)	IS 01786:85
88.	8177180	96/12	Sobar Plastics Pvt. Ltd. Plot No. G-222-226 Riico Industrial Area Sitapura Jaipur Jaipur	Unplasticised PVC pipes for potable water supplies (second revision) (Amendment 1)	IS 04985:88
89.	8177887	96/12	Acro Paints Pvt. Ltd. A-115-A, Industrial Area Alwar Bhiwadi 301019	Distemper, dry, colour as required (revised) (Amendments 4)	IS 00427:65
90.	8176683	96/12	Shree Cement Ltd. Bengur Nagar Beawar Masuda Road P.B. No. 33 Ajmer Beawar 305901	53 grade ordinary Portland cement (Amendments 3)	IS 12269:87
91.	8178990	96/12	Bajaj Carpet Industries Ltd. Noida Dadri Highway P.O. Kulesra Distt. Ghaziabad	Textile floor covering - tufted carpets (second revision)	IS 05884:93

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92.	8178889	96/12	Bayer India Ltd. D-31/1, Industrial Area Meerut Road Ghaziabad	Cyfluthrin WP	IS 14158:94
93.	8176784	96/12	Birla Yamaha Ltd., Village Lal Tappar, Dehradun-248 140	Performance of small size spark ignition engines for agricultural sprayers and similar applications (Amendment 1)	IS 07347:74
94.	8178788	96/12	Indian LPG Cylinders (Unit Sadhu Ram Bansal & Sons 20/8 Mile Stone Chakrata Road Selakui Distt. Dehradun (U.P.)	Welded low carbon steel cylinder exceeding 5 litre water capacity for low pressure liquifiable gases: Part 1 Cylinders for liquefied petroleum gas (LPG) (fourth revision)	IS 03196:92 Part 01
95.	8173879	96/12	Prem Shanti Paints Pvt. Ltd. D-115 Site No. 1, Indl. Area, Bulandshahr Road Ghaziabad (U.P.)	Cement paint (first revision) (Amendment 1)	IS 05410:92
96.	8176885	96/12	Swaraj Pesticides Pvt. Ltd. A-61/3 Industrial Area Sikandrabad (U.P.)	Chlorpyrifos emulsifiable concentrates (Amendment 1)	IS 08944:78
97.	8177382	96/12	U.P. State Agro Industries Corporation Limited Delhi Road Achheja, Hapur Distt. Ghaziabad	Solid bio-mass CHULHA: Part 1 Portable (metallic) (Amendments 2)	IS 13152:91 Part 01
98.	9130664	96/12	Adunik Industrial Corporation Outside Ohri Gate Batala (Punjab) 143505	Sand cast iron spigot and socket soil waste and ventilating pipes, fitting and accessories (first revision) (Amendments 3)	IS 01729:79
99.	9131969	96/12	Arcee Industries Ltd. 7th KM, Barwala Road Talwandi Rai Hissar Haryana 125001	Fabricated PVC fittings for potable water supplies: Part 2 Specific requirements for sockets (first revision)	IS 10124:88 Part 02
100.	9131565	96/12	Avdesh Tracks Pvt. Ltd. Block Derabassi Distt. Patiala Vill : Jhawabarpur (Punjab)	High strength deformed steel bars and wires for concrete reinforcement (Third revision) (superseding IS:1139-1966) (Amendment No. 1)	IS 01786:85
101.	9132466	96/12	Chamunda Spun Pipe Inds. Distt. Mandi Vill : & PO Ner Chowk (HP)	Precast concrete pipes (with and without reinforcement) (third revision) (Amendments 2)	IS 00458:88
102.	9129578	96/12	Chief Scientific Inds. 3704, Panna Cottage Ambala Cantt (Haryana) 133001	Binocular eyepieces for microscope (Amendment 1)	IS 08275:76
103.	9129881	96/12	Deep Chemical Industry Vill : Jatheri, PO Jatheri Sonapat (Haryana)	Disinfectant fluids, Black and white (third revision)	IS 01061:82

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104.	9131363	96/12	Shivalik Agro Chemicals B-59, Phase VII Distt. Ropar Sas Nagar (Punjab)	Monocrotophos SL (second revision)	IS 08074:90
105.	9131161	96/12	United Paints 2043-44, Modern Indl. Estate Distt. Rohtak Bahadurgarh (Haryana)	Distemper, dry, colour as required (revised) (Amendments 4)	IS 00427:65
106.	9132062	96/12	Vudta Cattle & Poultry Feed Industry Treth Moh Bari Brahmana Jammu (J & K) 181133	Compounded feeds for cattle (third revision) (Amendments No. 3)	IS 02052:79
107.	9131767	96/12	Virat Metal Kandaghat Distt. Solan (HP)	Galvanized steel barbed wire for fencing (third revision) (Amendments 4)	IS 00278:78
108.	9130260	96/12	B.S. Metal & Steel Works S-19, Industrial Area Jalandhar 144 004	Copper alloy gate, globe and check valves for water works purposes (Fourth revision) (Amendments)	IS 00778:84
109.	9129679	96/12	Chief Scientific Inds. 3704, Panna Cottage Ambala Cantt (Haryana) 133001	Pathological microscope (Amendment 1)	IS 04381:67
110.	9129780	96/12	Chief Scientific Inds. 3704, Panna Cottage Ambala Cantt (Haryana) 133001	Student type microscope (Amendments 2)	IS 03686:66
111.	9130563	96/12	Fungicides (India) Ltd. Sidco Indl. Complex, Road No. 4, Phase 2, Bari Brahmana Jammu (J & K)	Captan WP (Amendment 1)	IS 11785:86
112.	9132163	96/12	Hindustan Plastics & Metal Containers Mfg. Co. Rohtak Road Jind Village Kishanpura	18 litre square tins (third revision)	IS 00916:89
113.	9131060	96/12	Jagat Cements Pvt. Ltd. Tirlokpur Road Kala Amb Distt. Simmur (HP)	43 grade ordinary Portland cement (first revision) (Amendments 3)	IS 08112:89
114.	9127978	96/12	Nestle India Ltd. G.T. Road Near Kingwah Canal Moga (PB) 142001	Milk cereal based weaning foods (Amendments No. 4)	IS 01656:85
115.	9131262	96/12	United Paints 2043-44, Modern Indl. Estate Distt. Rohtak Bahadurgarh (Haryana)	Cement paint (first revision) (Amendment 1)	IS 05410:92
116.	9131868	96/12	Virat Metal Kandaghat Distt. Solan (HP)	Galvanized steel chain link fence fabric (first revision)	IS 02721:79

1	2	3	4	5	6
117.	9132264	96/12	Parvatiya Plywood Pvt. Ltd. Village Shivalpur, Nainital Ramnagar 244715	Wooden flush door shutters (solid core type): Part I Plywood face panels (Fifth revision) (Amendment Nos. 2)	IS 02202:91 Part 01
118.	9132365	96/12	Double Power Inc. IG/82, N.I.T. Faridabad 121001	Single-phase small ac and universal electric motors (second revision) (Amendments 2)	IS 00096:79
119.	9130866	96/12	Pataudigold Cement (P) Ltd. Pataudi Hailey Mandi, Medhana Road, Pataudi, Gurgaon Pataudi	33 Grade ordinary Portland cement fourth revision) (Amendments 3)	IS 00269:89
120.	9131666	96/12	Anu Products Limited Tigaon Road, Old Faridabad Faridabad (Haryana) 121002	Atrazine, WP	IS 12931:90
121.	9130967	96/12	Pataudigold Cement (P) Ltd. Pataudi Hailey Mandi, Medhana Road, Pataudi, Gurgaon Pataudi	43 grade ordinary Portland cement (first revision) (Amendments 3)	IS 08112:89
122.	8177786	96/12	Lata Cement Pvt. Ltd. Gram : Delvara Ajmer Bye Pass Road Outside Octroi Post Ajmer Beawar	43 grade ordinary Portland cement (first revision) (Amendments 3)	IS 08112:89
123.	9130361	96/12	Ganesh Pipe Industries Nabha Road Vill : Majhi Bhawanigarh Distt. Sangrur (Punjab)	Precast concrete pipes (with and without reinforcement) (third revision) (Amendments 2)	IS 00458:88
124.	5070450	96/12	Brahmaputra Iron & Steel Co. (P) Ltd. Amingaon, 1119 KM. Stone, NH-31, Distt. : Kamrup Guwahati, Assam 781 031	Mild steel wire rods for general engineering purposes (first revision)	IS 07887:92
125.	5071755	96/12	Colliery Equipment & Spares 3 Tarpan Ghat Road, Calcutta 700 053	Intrinsically safe electrical apparatus and circuits (first revision)	IS 05780:80
126.	5070248	96/12	Cygnus Sprinkler Manufacturing Co., 222, Garia Main Road, Calcutta 700 084	Rotating sprinkler: Part I Design and operational requirement	IS 1232:87 Part 01

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127.	5071856	96/12	Everest Plastic Industries, 1 Chitpur Ghat Lane, Calcutta 700 002	High density polyethylene pipes for potable water supplies: sewage and industrial effluents (third revision)	IS 04984:87
128.	5071351	96/12	Mizoram Conductors & Cables, Industrial Estate Zuangtui, P.O. Zamabawk, Aizwal, Mizoram	Aluminium conductors for overhead transmission purposes: Part 4 Aluminium alloy stranded conductors (aluminium magnesium silicon type) (third revision)	IS 00398:76 Part 04
129.	5069970	96/12	Pomx Hygiene Products Pvt., Limited Vill : Gonipur, P.O. Maheshtalla, Dist : 24-Parganas (South) 24-Parganas (South) West Bengal	Disinfectant fluids, black and white (third revision)	IS 01061:82
130.	5071654	96/12	Rockmansply Pvt. Ltd. A.T. Road, Makum Junction, Tinsukia Assam Tinsukia, Assam	Plywood for general purposes (Third revision) (Amendment)	IS 00303:89
131.	5070147	96/12	Shree Krishna Industries, 81, Nilgunj Road, Agarpara. 24-Parganas (North), West Bengal	Fire hose delivery couplings, branch pipe, nozzles and nozzle spanner (Fourth revision)	IS 00903:93
132.	5071452	96/12	Trend Vypaar Pvt. Ltd., Unit : Kelvin Jute Mills, 25, Park Road, P.O. Talpukur, 24-Parganas (North), West Bengal,	Textiles—B-twill jute bags for packing foodgrains (third revision)	IS 02566:93
133.	5071957	96/12	Victoria Steam Rope Works, Limited 88 College Road, Shibpur, Dist. : Howrah	Polypropylene ropes (3-strand hawser- laid and 8-strand plaited) (second revision)	IS 05175:92
134.	5070551	96/12	Brahmaputra Iron & Steel Co. (P) Ltd., Amingaon, 1119 Km Stone, NH-31, Dist. : Kamrup Guwahati, Assam 781 031	High strength deformed steel bars and wires for concrete reinforcement (Third revision) (superseding IS:1139:1966) (Amendment No. 1)	IS 01786:85
135.	5070354	96/12	North Eastern Cables & Conductors (P) Ltd. Industrial Estate Cinnamora, Jorhat 8 Assam	Aluminium conductors for overhead transmission purposes: Part 5 Aluminium conductors galvanized steel reinforced for extra high voltage (400 kV and above) (first revision)	IS 00398:76 Part 05

1	2	3	4	5	6
136.	5070046	96/12	Tuff Tubes Pvt. Ltd. Vill : Deudha P.O. Unarajambedia P.S. Borjora Bankura (West Bengal)	Unplasticized PVC screen and casing pipes for bore/tubewell (first revision)	IS 12818:92
137.	5071553	96/12	Trend Vypaar Pvt. Ltd., Unit : Kelvin Jute Mills 25, Park Road, P.O. Talpukur, 24-Parganas (North), West Bengal	A-twill jute bags (revised) (Amendments Nos. 5)	IS 01943:64
138.	5070349	96/12	Snehdhara Industries Ltd. Ampavalli Village Pottangi Tahsil Dist. Koraput Orissa	Portland slag cement (fourth revision) (Amendments 3)	IS 00455:89
139.	5070652	96/12	Sarkar Industries "Sarkar House" Ward No. 5, Dindli, Adityapur, Jamshedpur, Bihar 831 013	Leather safety boots and shoes for heavy metal industries (fourth revision) (Amendment No. 1)	IS 01989:86 Part 02
140.	5071250	96/12	Menospak Engineering Pvt. Ltd. Industrial Area Patna 800 013	Hexagon head bolts, screw and nuts of product grade C: Part 1 Hexagon head bolts (size range MS to M64) (Third revision)	IS 01363:92 Part 01
141.	5071048	96/12	Mercurium Sirdo Industrial Estate B.I.T. Mesra Ranchi 835 215	Hexagonal bolts for steel structures (To be withdrawn) (Amendments 4)	IS 06639:72
142.	5071149	96/12	Mercurium Sirdo Industrial Estate B.I.T. Mesra Ranchi 835 215	Hexagon head bolts, screws and nuts of product grade C : Part 3 Hexagon nuts (size range M5 to M64)	IS 01363:92 Part 03
143.	5072050	96/12	National Jute Manufacturers Corporation Ltd. P.O. Katihar Mills Katihar 854 107	Jute bags for packing foodgrains 50 kg	IS 12650:89
144.	5070753	96/12	Sarkar Industries "Sarkar House" Ward No. - 5, Dindli, Adityapur, Jamshedpur, Bihar 831 013	Leather safety boots and shoes for miners (fourth revision) (Amendment No. 1)	IS 01989:86 Part 01

1	2	3	4	5	6
145.	8174477	96/12	K.M. Cables 4A/17, Gautam Gali, New Vishwas Nagar, Delhi 110032	PVC Insulated cables for working voltages upto and including 1100 V (third revision) (Amendment No. 1 to 4)	IS 00694:90
146.	9132769	96/12	Anant Belting Corporation, G.T. Road, Distt. Sonapat, Vill : Rai (Haryana) 131029	V-Belts - endless V-Belts for industrial purposes : Part 1 General purposes (second revision)	IS 02494:74 Part 01
147.	9135371	96/12	Anmol Cable (P) Ltd., G.T. Road, Jandiala Guru, Amritsar (Punjab)	Aluminium conductors for overhead transmission purposes: Part 2 Aluminium conductors, galvanized steel reinforced (second revision) (Amendment 3)	IS 00398:76 Part 02
148.	9133771	96/12	Cranes Polymers (P) Ltd., 22, Indl. Complex, Distt. Amritsar Goniedwal Sahib (Punjab) 143423	Unplasticised PVC pipes for potable water supplies (second revision) (Amendment 1)	IS 04985:88
149.	9133367	96/12	Safex Chemicals India Ltd. A-2, M.I.E., Delhi Rohtak Road, Bahadurgarh (Haryana) 124507	Quinalphos emulsifiable concentrate (first revision)	IS 08028:87
150.	9135472	96/12	Anmol Cable (P) Ltd., G.T. Road, Jandiala Guru, Amritsar (Punjab)	PVC Insulated cables for working voltages upto and including 1100 V (third revision) (Amendment No. 1 to 4)	IS 00694:90
151.	9135573	96/12	Anmol Cable (P) Ltd., G.T. Road, Jandiala Guru, Amritsar (Punjab)	PVC Insulated (heavy duty) electric cables Part 1 for working voltages upto and including 1100 V (Third revision)	IS 01554 :88 Part 01
152.	9134369	96/12	Dara Chemical Inds. Pvt. Ltd., 625, Modern Industrial Estate, Distt. Rohtak, Bahadurgarh	Dichlorvos emulsifiable concentrates (first revision) (with amendments)	IS 05277:78
153.	9133266	96/12	Darrick Insecticides Ltd., Plot No. 2, MIE., Bahadurgarh (Haryana). 124507	Fenvalerate, EC (Amendment 1)	IS 11997:87
154.	9133872	96/12	United Paints, 2043-44, Modern Indl. Estate, Distt. Rohtak Bahadurgarh (Haryana)	Enamel, interior (a) undercoating, (b) finishing (third revision)	IS 00133:9

नई दिल्ली, 10 अगस्त, 1999

का. आ. 2413.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिस/जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं:—

अनुसूची

क्रम सं.	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक संख्या अति-क्रमित भारतीय मानक अथवा मानकों, यदि कोई हों, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 388 : 1999 हाइड्रोक्विनॉन फोटोग्राफीय ग्रेड—विशिष्ट (तीसरा पुनरीक्षण)	आई एस 388 : 1972	99-03-31
2.	आई एस 397 (भाग 0) : 1999 उत्पादन के दौरान गुणता नियंत्रण की प्रणाली भाग 0 नियंत्रण सारणी के अद्यतन के लिए मार्गदर्शिका	—	99-02-28
3.	आई एस 500 : 1999 पोटेशियम मेटाबाईसल्फाइड, फोटोग्राफीय ग्रेड—विशिष्ट (चौथा पुनरीक्षण)	आई एस 500 : 1980	99-03-31
4.	आई एस 528 : 1999 मेन्या आरवेन्मिस का नेल—विशिष्ट (तीसरा पुनरीक्षण)	आई एस 528 : 1989	99-03-31
5.	आई एस 1260 (भाग 2) : 1999 पैकेजबन्दी—माल के उठाने धरने व लेबल के लिए चिवांकन भाग 2 सामान्य माल (तीसरा पुनरीक्षण)	आई एस 1260 (भाग 2) : 1979	99-03-31
6.	आई एस 2202 (भाग 1) : 1999 लकड़ी के सपाट दरवाजे के शटर (ठोस कोर प्रकार)—विशिष्ट भाग 1 प्लाईवुड सतहयुक्त पल्ले (छठा पुनरीक्षण)	आई एस 2202 (भाग 1) : 1991	99-03-31
7.	आई एस 2218 : 1999 मशीनी औजारों के लिए गति एवं भारण (पहला पुनरीक्षण)	आई एस 2218 : 1962	99-02-28
8.	आई एस 3120 : 1999 शिशु मेने का यंत्र—विशिष्ट (दूसरा पुनरीक्षण)	आई एस 3120 : 1978	99-04-30
9.	आई एस 3177 : 1999 इस्पान कार्यक्रम के अलावा शिरोपरि चलने वाली बिजली चालित क्रेन और गेन्ट्रीक्रेन को रीतिरहितता (दूसरा पुनरीक्षण)	आई एस 3177 : 1977	99-04-30
10.	आई एस 3521 : 1999 औद्योगिक सुरक्षा पट्टे एवं सज्जा कवच—विशिष्ट (तीसरा पुनरीक्षण)	आई एस 3521 : 1989	99-04-30
11.	आई एस 3829 (भाग 1) : 1999 भाप चालित कीटाणुनाशक यंत्र भाग 1 समतल बेलनाकार एवं समतल आयताकार कीटाणुनाशक यंत्र, दबाव युक्त (अस्पताल एवं औषधि निर्माण में उपयुक्त) (दूसरा पुनरीक्षण)	आई एस 3829 (भाग 1) : 1978	99-04-30

(1)	(2)	(3)	(4)
12. आई एस 4410 (भाग 23) : 1999 नदी घाटी परियोजना से संबंधित परिभाषिक शब्दावली भाग 23 हाइस्ट, फ्रेम तथा अन्य सम्बंधित शब्दावली	—		99-03-31
13. आई एस 6240 : 1999 तप्त बेल्सित इस्पात प्लेट (6 मिमी तक), चढ़र और पत्ती—अल्पदाब द्रवणीय गैस सिलिंडरों के निर्माण के लिए—विशिष्ट (तीसरा पुनरीक्षण)	आई एस 6240 : 1989		99-03-31
14. आई एस 6515 : 1999 सोडियम पेन्टाक्लोरोफिनेट—विशिष्ट (पहला पुनरीक्षण)	आई एस 6515 : 1972		99-03-31
15. आई एस 8449 : 1999 अग्रत्यावर्त धातु एरोमोल वितरण—विशिष्ट (पहला पुनरीक्षण)	आई एस 8449 : 1977		99-03-31
16. 9128 : 1999 हेवी इयूटी शुष्क बैटरियां—विशिष्ट (पहला पुनरीक्षण)	आई एस 9128 : 1979		99-03-31
17. आई एस 9845 : 1998 खाद्य सामग्री के संपर्क में आने वाली प्लास्टिक सामग्री और वस्तुओं के संघटकों की समग्र गति शीलता ज्ञात करना—विश्लेषण पद्धति (दूसरा पुनरीक्षण)	आई एस 9845 : 1986		98-12-31
18. आई एस 9873 (भाग 2) : 1999 विनौनों की सुरक्षा हेतु अपेक्षाएं भाग 2 ज्वलनशीलता गुणधर्म (पहला पुनरीक्षण)	आई एस 9873 (भाग 2) : 1981		99-03-31
19. आई एस 9873 (भाग 3) : 1999 खिलौनों की सुरक्षा हेतु अपेक्षाएं भाग 3 कुछ तत्वों का स्थानान्तरण (पहला पुनरीक्षण)	आई एस 9873 (भाग 3) : 1981		99-04-30
20. आई एस 10026 (भाग 3/खंड 1) : 1999 विलायक युक्त विद्युत रोधी बर्निश भाग 3 अलग-अलग सामग्री के लिए विशिष्टियां खंड 1 अंतर्गत उपचार को फिनिश देने की बर्निश के लिए अपेक्षाएं (पहला पुनरीक्षण)	आई एस 10026 (भाग 3/खंड 1) : 1983		99-02-28
21. आई एस 10242 (भाग 5/खंड 4) : 1998 जहाजों में विद्युत संस्थापन भाग 5 विशेष लक्षण खंड 4 नियंत्रण एवं यंत्र—विशिष्ट	—		98-12-31
22. आई एस 10565 : 1999 नैदानिक अवलोकनमापियों की विशिष्टि (पहला पुनरीक्षण)	आई एस 10565 : 1983		99-03-31
23. आई एस 10608 : 1998 स्पासाइन हाब सीधा पार्श्वित—विशिष्ट (पहला पुनरीक्षण)	आई एस 10608 : 1983		98-12-31
24. आई एस 10655 : 1999 भाप के रबड़ होज—विशिष्ट (पहला पुनरीक्षण)	आई एस 10655 : 1983		99-02-28

(1)	(2)	(3)	(4)
25. आई एस 11688 : 1999 अखबारी कागज-विशिष्ट (पहला पुनरीक्षण)	आई एस 11688 : 1986		99-03-31
26. आई एस 12171 : 1999 रूई की गांठें--विशिष्ट (पहला पुनरीक्षण)	आई एस 12171 : 1987		99-03-31
27. आई एस 12432 (भाग 2) : 1999 छिड़काव द्वारा लगाये जाने वाले तापरोधन के अनुप्रयोग--रीति संहिता भाग 2 कैल्शियम सिलिकेट	---		99-02-28
28. आई एस 12516 (भाग 1) : 1999 गेहूं के गुंघे आटे से बनी लोई के भौतिक लक्षण ज्ञात करने की विधि भाग 1 फेरिनोग्राफ के प्रयोग से जल अवशोषण और रियालाजी के गुणधर्म (पहला पुनरीक्षण)	आई एस 12516 (भाग 1) : 1988		99-04-30
29. आई एस 12516 (भाग 2) : 1999 गेहूं के गुंघे आटे से बनी लोई के भौतिक लक्षण ज्ञात करने की विधि भाग 2 एक्सटेनसोग्राफ के प्रयोग से सोखने के गुणधर्म (पहला पुनरीक्षण)	आई एस 12516 (भाग 2) : 1988		99-04-30
30. आई एस 13360 (भाग 5/खंड 3) : 1999 प्लास्टिक--परीक्षण पद्धतियां भाग 5 यांत्रिक गुणधर्म खंड 3 तनन गुणधर्म ज्ञात करने--परतों और चद्दरों की परीक्षण पद्धति	---		99-02-28
31. आई एस 13360 (भाग 8/खंड 10) : 1999 प्लास्टिक--परीक्षण पद्धतियां भाग 8 स्थायी/रासायनिक गुणधर्म खंड 10 पर्यावरणात्मक प्रतिबल-भंजन (ई एस सी) ज्ञात करना --बल अथवा पित अंकन पद्धति	---		99-04-30
32. आई एस 13360 (भाग 8/खंड 11) : 1999 प्लास्टिक--परीक्षण पद्धतियां भाग 8 स्थायी/रासायनिक गुणधर्म खंड 11 पर्यावरणात्मक प्रतिबल-भंजन (ईएमपी) ज्ञात करना--सतत-तनन प्रतिबल पद्धति	---		99-04-30
33. आई एस 13673 (भाग 5) : 1999 विद्युत रासायनिक विश्लेषक की कार्यकारिता अभि व्यक्ति भाग 5 आक्सीकरण-अपचयन विभव अथवा रिडॉक्स विभव	---		99-02-28
34. आई एस 14151 (भाग 2) : 1999 पिचर्ड जातक--स्प्रिंकलर पाइप--विशिष्ट भाग 2 सहज संयोजी पाली-एथिलीन पाइप	आई एस 14151 (भाग 2) : 1994		99-03-31
35. आई एस 14179 : 1999 चीनी मिट्टी के मेज--सामान की परीक्षण पद्धतियां	आई एस --		99-03-31
36. आई एस 14273 : 1999 स्वचल वाहन--निकास उत्सर्जन-संपीड़न दहन इंजनों वाले वाहनों से गैसीय प्रदूषण-मापन पद्धति	---		99-02-28
37. आई एस 14578 : 1999 नाभिकीय पावर संयंत्रों में उपयोग के लिए तीन-फेज वाली प्रेरण मोटरें--विशिष्ट	---		99-03-31
38. आई एस 14584 : 1998 स्पलाइन और मेरेजल हाब--तकनीकी आपूर्ति की शर्तें	---		98-12-31

(1)	(2)	(3)	(4)
39.	आईएस 14588: 1999 सामान्य कार्यों के लिए विनिपेर कंपोजिट बांध की चटाई—विशिष्ट	—	99-02-28
40.	आई एस 14589: 1999 जिक प्राइमिंग रंग रोगन, एपॉक्सी, आधारित, दो-पैक—विशिष्ट	—	99-04-30
41.	आई एस 14609: 1999 ए, बी, सी क्लास अग्नि शमन के लिए शुष्क रासायनिक पाउडर—विशिष्ट	—	99-02-28
42.	आई एस 14618: 1999 स्वचल वाहन—वातानुकूलन तंत्र तापीय कार्यकारिता—मापन विधि	—	99-02-28
43.	आई एस 14625: 1999 प्लास्टिक की प्रभरण बोतलें	—	99-02-28
44.	आई एस 14627: 1999 कृषि एवं खाद्य पदार्थों में कारबेन्डाजिम अवशेष ज्ञात करने की पद्धति	—	99-02-28
45.	आई एस 14628: 1999 कृषि एवं खाद्य पदार्थों में क्लोरीनेटेड कीटनाशक अवशेष ज्ञात करने की पद्धति	—	99-02-28
46.	आई एस 14629: 1999 कृषि एवं खाद्य पदार्थों में डाइकोफाल अवशेष ज्ञात करने की पद्धतियाँ	—	99-02-28
47.	आई एस 14636: 1998 खाद्य तेल, घी और वनस्पति की पैकेजिंग के लिए नम्य पैक	—	98-12-31
48.	आई एस 14637: 1999 मुद्रण मशीनरी—संकेत पट्टिकाओं पर दिये जाने वाले प्रतीकों के लिए सिफारिशें	—	99-03-31
49.	आई एस 14643: 1999 चूड़ी सीलबन्दी अनुप्रयोगों के लिए सिन्ट रहित पाली टिट्राफ्लोरोइथाइलीन (पी टी एफ) की फीता—विशिष्ट	—	99-02-28
50.	आई एस 14646: 1999 पोत निर्माण—लंगर प्लव— —विशिष्ट	—	99-02-28
51.	आई एस 14647: 1999 तम्बाकू और तम्बाकू उत्पाद— विक्रम—विशिष्ट	—	99-04-30
52.	आई एस 14654: 1999 जलाशयों से वाष्पन क्षति कम करना—मार्गदर्शिका	—	99-04-30
53.	आई एस 14659: 1999 1 के.बी. से 38 के.बी. तक की रेटित वोल्टता के लिए परिवर्द्ध विद्युत्प्रोक्षत वाले ए सी स्विचगियर और कंट्रोलगियर	—	99-02-28
54.	आई एस 14700 (भाग 3/खंड 3): 1999 विद्युत चुम्बकीय संगतता (ई एम सी) भाग 3 सीमाएं खंड 3 16 ए या इससे कम रेटित धारा के उपस्कर के लिए निम्न वोल्टता आपूर्ति तंत्र में वोल्टेज उतार-चढ़ाव और पिछकर की सीमा	—	99-02-28

इत मानकों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुरशाह जफर मार्ग, नई दिल्ली-110002 क्षेत्रीय कार्यालयों नई दिल्ली, कलकत्ता, चण्डीगढ़, चेन्नई तथा मुम्बई एवं शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, फरीदाबाद, गाजियाबाद, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, लखनऊ, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं ।

[सं. केप्रवि/13: 2]

पी. दक्षिणामूर्ति, अपर महानिदेशक

New Delhi, the 10th August, 1999

S.O. . . 2413.—In pursuance of clause (b) of sub-rule (1) of Rules (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notified that the Indian Standard(s), particulars of which is/are given in the Schedule hereto annexed, has/have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. year and Title of the Indian Standard(s)	No. & year of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1.	IS 388:1999—Hydroquinone, Photographic grade—Specification (Third Revision)	IS 388:1972	99-03-31
2.	IS 397 (Part 0): 1999—Method for statistical quality control during production Part 0 Guidelines for selection of control charts		99-02-28
3.	IS 500:1999—Potassium metabisulphite, photographic grade—Specification (Fourth Revision)	IS 500:1980	99-03-31
4.	IS 528:1999—Oil of mentha arvensis—Specification (Third Revision)	IS 528:1989	99-03-31
5.	IS 1260 (Part 2):1999—Packaging— Pictorial marking for handling and labelling of goods Part 2 General Goods (Third Revision)	IS 1260 (Part. 2):1979	99-03-31
6.	IS 2202 (Part 1): 1999—Wooden flush door shutters (solid core type)—Specification Part 1 Plywood face panels (Sixth Revision)	IS 2202 (Part 1): 1991	99-03-31
7.	IS 2218:1999—Speeds and feeds for machine tools (First Revision)	IS 2218:1962	99-02-28
8.	IS 3120:1999—Baby incubators—Specification (Second Revision)	IS 3120:1978	99-04-30
9.	IS 3177:1999—Code of practice for electric overhead travelling cranes and gantry cranes other than steel work cranes (Second Revision)	IS 3177:1977	99-04-30
10.	IS 3521:1999—Industrial safety belts and harnesses Specification (Third Revision)	IS 3521:1989	99-04-30
11.	IS 3829 (Part 1):1999—Specification for steam sterilizers Part 1 Horizontal cylindrical and horizontal rectangular steam sterilizers, pressure type (For hospital and pharmaceutical use) (Second Revision)	IS 3829 (Pt. 1):1978	99-04-30

(1)	(2)	(3)	(4)
12. IS 4410 (Part 23): 1999—Glossary of terms relating to river valley projects Part 23 Hoists, cranes and other related terms	—		99-03-31
13. IS 6240:1999—Hot rolled steel plate (Up to 6 mm), sheet and strip for the manufacture of low pressure liquefiable gas cylinders—Specification (Third Revision)	IS 6240:1989		99-03-31
14. IS 6515:1999—Sodium pentachlorophenate—Specification (First Revision)	IS 6515:1972		99-03-31
15. IS 8449:1999—Non-returbable metal aerosol dispensers—Specification (First Revision)	IS 8449:1977		99-03-31
16. IS 9128:1999—Heavy duty dry batteries—Specification (First Revision)	IS 9128:1979		99-03-31
17. IS 9845:1998—Determination of overall migration of constituents of plastics materials and articles intended to come in contact with foodstuffs—Method of analysis (Second revision)	IS 9845:1986		98-12-31
18. IS 9873 (Part 2):1999—Safety requirements for tyres Part 2 Flammability requirements (First Revision)	IS 9873 (Part 2):1981		99-03-31
19. IS 9873 (Part 3):1999—Safety requirements for tyres Part 3 Migration of certain—elements (First Revision)	IS 9873 (Part 3):1981		99-04-30
20. IS 10026 (Part 3/Sec 1):1999—Insulating varnishes containing solvents Part 3 Specifications for individual materials Section 1 Requirements for cold curing finishing varnishes (First Revision)	IS 10026(Pt. 3/Sec 1):83		99-02-28
21. IS 10242 (Part 5/Sec 4):1998 Electrical installations in ships Part 5 Special features Section 4 Control and instruments Specification	—		98-12-31
22. IS 10565:1999—Specification for diagnostic audio-meters (First Revision)	IS 10565:1983		99-03-31
23. IS 10608:1998—Spline hobs—straight sided—Specification (First Revision)	IS 10608:1983		98-12-31
24. IS 10655:1999—Rubber steam hose—Specification (First Revision)	IS 10655:1983		99-02-28
25. IS 11688:1999—Newsprint—Specification (First Revision)	IS 11688:1986		99-03-31
26. IS 12171:1999—Cotton bales—Specification (First Revision)	IS 12171:1987		99-03-3

(1)	(2)	(3)	(4)
27. IS 12432 (Part 2):1999—Application of spray applied insulation—Code of practice Part 2 Calcium silicate	—		99-02-28
28. IS 12516 (Part 1):1999—Method for determination of physical characteristics of doughs made from wheat flour Part 1 Water absorption and rheological properties using a farinograph (First Revision)	IS 12516 (Part 1):1988		99-04-30
29. IS 12516 (Part 2):1999—Method for determination of physical characteristics of doughs made from wheat flour Part 2 Rheological properties using an extensograph (First Revision)	IS 12516 (Part 2):1988		99-04-30
30. IS 13360 (Part 5/Sec 3):1999—Plastics—Method of testing Part 5 Mechanical properties Section 3 Determination of tensile properties—Test conditions for films and sheets	—		99-02-28
31. IS 13360 (Part 8/Sec 10):1999—Plastics—Method of testing Part 8 Permanence/Chemical Properties Section 10 Determination of environmental stress cracking (ESC)—Ball or pin impression method	—		99-04-30
32. IS 13360 (Part 8/Sec 11):1999—Plastics—Method of testing Part 8 Permanence/Chemical Properties Section 11 Determination of environmental stress cracking (ESC)—Constant—tensile stress method	—		99-04-30
33. IS 13673 (Part 5):1999—Expression of performance of electrochemical analyzers Part 5 Oxidation-reduction potential or redox potential	—		99-02-28
34. IS 14151 (Part 2):1999—Irrigation equipment—Sprinkler pipes—Specification Part 2 Quick coupled polyethylene pipes (First Revision)	IS 14151 (Part 2):1994		99-03-31
35. IS 14179:1999—Method of test for ceramic tableware	—		99-03-31
36. IS 14273:1999—Automotive vehicles—Exhaust emissions—gaseous pollutants from vehicles fitted with compression ignition engines—Method of measurement	—		99-02-28
37. IS 14578:1999—Three-phase induction motors for use in nuclear power plants—Specification	—		99-03-31
38. IS 14584:1998—Spline and serration hobs—Technical supply conditions	—		98-12-31
39. IS 14588:1999—Bamboo mat-veneer composite for general purposes—Specification	—		99-02-28

(1)	(2)	(3)	(4)
40.	IS 14589:1999—Zinc priming paint, epoxy based, two pack—Specification	—	99-04-30
41.	IS 14609:1999—Dry chemical powder for fighting A,B,C, class fires—Specification	—	99-02-28
42.	IS 14618:1999—Automotive vehicles—Air conditioning systems thermal performance—Method of measurement	—	99-02-28
43.	IS 14625:1999—Plastics feeding bottles	—	99-02-2
44.	IS 14627:1999—Method for determination of carbendazim residues in agriculture and food commodities	—	99-02-28
45.	IS 14628:1999—Method for determination of chlorinated pesticide residues in agricultural and food commodities by multiple residues technique	—	99-02-28
46.	IS 14629:1999—Method for determination of dicofol residues in agricultural and food commodities	—	99 -02-28
47.	IS 14636:1998 —Flexible packaging materials for packaging of edible oils, ghee and vanaspati	—	98-12-31
48.	IS 14637:1999—Printing machinery—Recommendations to be given on indication plates	—	99-03-31
49.	IS 14643:1999—Unsintered polytetrafluoroethylene (PTFE) tape for thread sealing applications—Specification	—	99-02-28
50.	IS 14646:1999—Shipbuilding—Mooring buoy—Specification	—	99-02-28
51.	IS 14647:1999—Tobacco and tobacco products—Quiwam—Specification	—	99-04-3
52.	IS 14654:1999—Minimising evaporation losses from reservoirs—Guidelines	—	99-04-30
53.	IS 14659:1999—A.C. Insulation—enclosed switchgear and control gear for rated voltages above 1 kV and up to and including 38 kV	—	99-02-28
54.	IS 14700 (Part 3/Sec 3):1999—Electromagnetic compatibility (EMC) Section 3 Limitation of voltage fluctuations and flicker in low-voltage supply for equipment with rated current > 16 A	—	99-04-30

Copy of these Indian Standards are available for sale with the Bureau of Indian Standards, Manak Bhavan 9 Bahadur Shah Zafar Marg. New Delhi-110 002 and Regional Offices: New Delhi, Calcutta, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmadabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Faridabad, Ghaziabad, Guwahati, Hyderabad, Jaipur, Kanpur, Lucknow, Nagpur, Patna, Pune, Thiruvananthapuram.

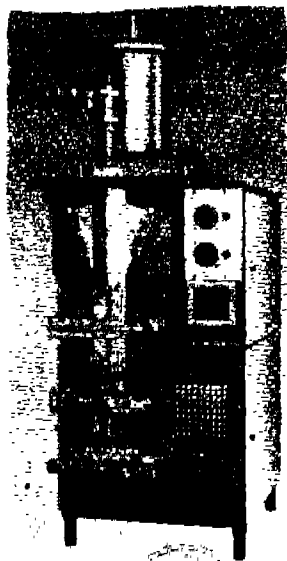
[No. CMD/13:2]

P. DAKSHINAMURTY, Addl. Dir. General

नई दिल्ली, 13 अगस्त, 1999

क्रा. आ. 2414.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा करता रहेगा;

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, "फिलपे क" 1200 श्रृंखला की, अंकक सूचन सहित स्वचालित भराई और पैकिंग मशीन के माडल का (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसका विनिर्माण मेसर्स निफ्रोम मशीन्स एंड पैकेजिंग, 46 डा. अम्बेडकर रोड, संगम ब्रिज के निकट, पुणे-411 001 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई एम डी/09/99/42 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।



यह माडल अंकक सूचन सहित स्वचालित भराई और पैकिंग मशीन का है। यह स्थिर शीर्ष के भरण के अन्तर्गत गुरुत्व के सिद्धान्त के अनुसार कार्य करती है। द्रव डिस्पेंसिंग की मात्रा प्रवाह दर और समय का गुणनफल है। द्रव का वेग द्रव के शीर्ष जिसे स्थिर रखा गया है नल के द्वारा प्रवाहित के अनुपातिक है। डिस्पेंसिंग वाल्व यांत्रिकता को क्रिस्टल नियंत्रित क्लाक यांत्रिकता से विनियमित किया जाएगा। मशीन को 40 मिलीलीटर से 1000 मिलीलीटर के मध्य किसी भी श्रेणी की निवासी के लिए व्यवस्थित की जा सकती है। मशीन की उत्पादन क्षमता 1200 पाउच प्रति घंटा है। भरण और विसर्जन गुरुत्वीय पद्धति से वायु चालित द्वारों के मध्यम से किया जाता है। मशीन दूध, मिनरल वाटर, खाद्य तेल, घी, पीने के लिए तैयार द्रव आदि की भराई के लिए अधिकल्पित की गई है। उपकरण तीन फेज 400-440 वोल्ट और 50 हर्टज आवृत्ति की प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

[फा. सं. डब्ल्यू एम-21(95)/98]

पी. ए. कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 13th August, 1999

S. O. 2414.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976), and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of model of automatic filling and packing machine with digital indication (hereinafter referred to as the model) of "FILLPACK" 1200 series manufactured by M/s. Nichrome Machines and Packagings, 46, Dr. Ambedkar Road, Near Sangam Bridge, Pune-411001 and which is assigned the approval mark IND/09/99/42;



The model is an automatic filling and packing machine with digital indication. It works on the principle of gravity feed under constant head. The quantity of liquid dispensed is a product of flow rate and time. The velocity of liquid flowing through a pipe is proportional to the head of the liquid, which is kept constant. The dispensing valve mechanism is regulated by a crystal controlled clock mechanism. The machine can be adjusted to deliver any range between 40 ml and 1000 ml. The machine output is 1200 pouches per hour. Feed and discharge is carried out by gravity method through pneumatically operated gates. The machine is designed for filling milk, mineral water, edible oil, ghee, ready to drink liquids etc. The instrument operates on three phase 400—440 V, 50 Hertz alternate current power supply.

[F. No. WM-21(95)/98]

P.A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 13 अगस्त, 1999

का. आ. 2415.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (भीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा करता रहेगा;

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, “फिलिपे क” 2500 श्रृंखला की, अंकक सूचन सहित स्वचालित, भराई और पैकिंग मशीन के माडल का, (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसका विनिर्माण मेसर्स मिक्रोम मशीन्स एंड पैकेजिंग, 46 डा. अम्बेडकर रोड, संगम ब्रिज के निकट, पुणे-411 001 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई एन डी/09/99/43 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।



यह माडल अंकक सूचन सहित स्वचालित, भराई और पैकिंग मशीन का है।

यह स्थिर शीर्ष के भरण के अन्तर्गत गुरुत्व के सिद्धान्त के अनुसार कार्य करती है। द्रव डिस्पेंसिंग की मात्रा प्रवाह दर और समय का गुणनफल है। नल के द्वारा प्रवाहित द्रव का वेग द्रव के शीर्ष जिसे स्थिर रखा जाएगा के अनुपातिक है। डिस्पेंसिंग वाल्व यांत्रिकता को क्रिस्टल नियंत्रित क्लाक यांत्रिकता से विनियमित किया जाएगा। मशीन को 30 मिली लीटर से 1000 मिली लीटर के मध्य किसी भी श्रेणी की निकासी के लिए व्यवस्थित की जा सकती है। मशीन की उत्पादन क्षमता 2500 पाउच प्रति घंटा है। भरण और विसर्जन गुरुत्वीय पद्धति से वायु चालित द्वारा माध्यम से किया जाता है। मशीन दूध, मिश्रल वाटर, खाद्य तेल, घी, श्यान द्रवों, पीने के लिए तैयार द्रवों आदि की भराई के लिए अधिकस्थित की गई है। उपकरण तीन फेज 400-440 वोल्ट और 50 हर्टज आवृत्ति की प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

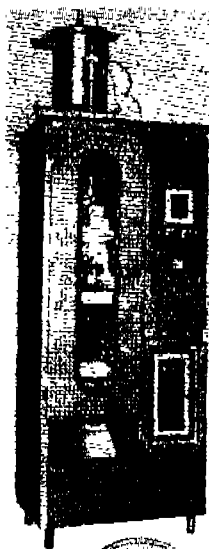
[फा. सं. डब्ल्यू एम-21(95)/98]

पी. ए. कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 13th August, 1999

S. O. 2415.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of model of the automatic filling and packing machine with digital indication (hereinafter referred to as the model) of "FILL PACK" 2500 series manufactured by M/s Nichrome Machines and Packagings, 46, Dr. Ambedkar Road, Near Sangam Bridge, Pune-411001 and which is assigned the approval mark IND/09/99/43;



The model is an automatic filling and packing machine with digital indication. It works on the principle of gravity feed under constant head. The quantity of liquid dispensed is a product of flow rate and time. The velocity of liquid flowing through a pipe is proportional to the head of the liquid, which is kept constant. The dispensing valve mechanism is regulated by a crystal controlled clock mechanism. The machine can be adjusted to deliver any range between 30 ml and 1000 ml. The machine output is 2500 pouches per hour. Feed and discharge is carried out by gravity method through pneumatically operated gates. The machine is designed for filling milk, mineral water, edible oil, ghee, viscous liquids, ready to drink liquid etc. The instrument operates on three phase 400-400 V, 50 Hertz alternate current power supply;

[F. No. WM-21(95)/98]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 13 अगस्त, 1999

का. आ. 2416.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा करता रहेगा;

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, "फिलपेंक 5000" श्रृंखला की, अंकक सूचन सहित स्वचालित भराई और पैकिंग मशीन के माडल का है (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसका विनिर्माण मैसर्स निक्रोम मशीन्स एंड पैकेजिंग, 46 डा. अम्बेदकर रोड, संगम ब्रिज के निकट, पुणे-411 001 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई एन डी/09/99/44 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।



यह माडल अंकक सहित स्वचालित भराई और पैकिंग मशीन का है। यह स्थिर शीर्ष के भरण के अन्तर्गत गुरुत्व के सिद्धान्त के अनुसार कार्य करती है। द्रव डिस्पेंसिंग की मात्रा का गुणनाफल प्रवाह दर और समय का गुणनफल है। नल के द्वारा प्रवाहित द्रव का वेग द्रव के शीर्ष, जिसे स्थिर रखा जाता है, के अनुपातिक है। डिस्पेंसिंग वाल्व यांत्रिकता को क्रिस्टल नियंत्रित क्लाक यांत्रिकता से विनियमित किया जाता है। मशीन को 30 मिली लीटर से 1000 मिली लीटर के मध्य किसी भी श्रेणी की निकासी के लिए व्यवस्थित किया जा सकता है। मशीन की उत्पादन क्षमता 5000 पाउन्ड प्रति घंटा है। भरण और विसर्जन गुरुत्वीय पद्धति से वायुचालित द्वारों का मध्यम से किया जाता है। मशीन दूध, मिनरल वाटर, खाद्य तेल, घी, पीने के लिए तैयार द्रवों आदि की भराई के लिए अभिकल्पित की गई है। उपकरण तीन फेज 400-440 वोल्ट और 50 हर्टज आवृत्ति की प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करती है।

[फा. सं. डब्ल्यू एम-21(95)/98]

पी. ए. कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 13th August, 1999

S. O. 2416.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976), and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of model of automatic filling and packing machine with digital indication (hereinafter referred to as the model) of "FILLI PACK" 5000 series manufactured by M/s Nichrome Machines and Packagings, 46, Dr. Ambedkar Road, Near Sangam Bridge, Pune-411001 and which is assigned the approval mark IND/09/99/44;



The model is an automatic filling and packing machine with digital indication. It works on the principle of gravity feed under constant head. The quantity of liquid dispensed is a product of flow rate and time. The velocity of liquid flowing through a pipe is proportional to head of the liquid, which is kept constant. The dispensing valve mechanism is regulated by a crystal controlled clock mechanism. The machine can be adjusted to deliver any range between 40 ml and 1000 ml. The machine output is 5000 pouches per hour. Feed and discharge is carried out by gravity method through pneumatically operated gates. The machine is designed for filling milk, mineral water, edible oil, ghee, ready to drink liquids etc. The instrument operates on three phase 400—440 V, 50 Hertz alternate current power supply.

[F. No. WM-21(95)/98]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 17 अगस्त, 1999

का. आ. 2417.—केन्द्रीय सरकार, बाट और माप मानक अधिनियम की धारा 36 की उपधारा (7) और उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के नागरिक पूर्ति, उपभोक्ता मामले और सार्वजनिक वितरण मंत्रालय की अधिसूचना संख्यांक सा०का० 1683 तारीख 22 जुलाई, 1993 का निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना के पैरा चार में, “5 किलोग्राम की अधिकतम क्षमता वाले तोलन उपकरण भी आयेंगे” शब्दों और अक्षर के बाद निम्नलिखित शब्दों, अंकों और अक्षरों को रखा जाएगा, अर्थात् :—

“प्रतिमान के इस अनुमोदन प्रमाण-पत्र के अन्तर्गत उसी शृंखला के उसी मेक, यर्थाथता और कार्य करण वाला ऐसा तोलन उपकरण भी होगा जिसकी अधिकतम क्षमता 125 ग्राम/0.01 ग्राम, 300 ग्राम/0.01 ग्राम, 350 ग्राम/0.01 ग्राम, 400 ग्राम/0.02 ग्राम, 510 ग्राम/0.05 ग्राम, 600 ग्राम/0.01 ग्राम, 1500 ग्राम/0.05 ग्राम, 1200 ग्राम/0.01 ग्राम, 4000 ग्राम/0.1 ग्राम, और दोहरी रेंज 50 ग्राम-300 ग्राम/0.001 ग्राम—0.01 ग्राम, 300 ग्राम-3000 ग्राम/0.01 ग्राम-0.1 ग्राम, 600 ग्राम-3000 ग्राम/0.01 ग्राम-0.1 ग्राम, 30 ग्राम-500 ग्राम/0.001 ग्राम-0.01 ग्राम है, जिसका विनिर्माण उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन और उसी सामग्री से किया गया है जिससे अनुमोदित प्रतिमान का विनिर्माण किया गया है।”

[फा. सं. डब्ल्यू एम-21(93)/97]

पी. ए. कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 17th August, 1999

S. O. 2417.—In exercise of the powers conferred by sub-sections (7) and (12) of section 36 of the Standards of Weights and Measures Act, 1976 (60 of 1976), The Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Civil Supplies, Consumer Affairs and Public Distribution Number S. O. 1683 dated 22nd July, 1993, namely :—

In the said notification in paragraph four, after the figure and words “5 kilogram respectively”, the following words, figures and letters shall be added, namely :—

“This certificate of approval of model will cover the weighing instrument with similar make, accuracy and performance of type number with a maximum capacity of 125g/0.01g, 300g/0.01g, 350g/0.01g, 400g/0.02g, 510g/0.05g, 600g/0.01g, 1500g/0.05g, 1200g/0.1g, 4000g/0.1g and dual range of 50g-300g/0.001g-0.01g, 300g-3000g/0.01g-0.1g, 600g-3000g/0.01g-0.1g, 30g-500g/0.001g-0.01g manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured”.

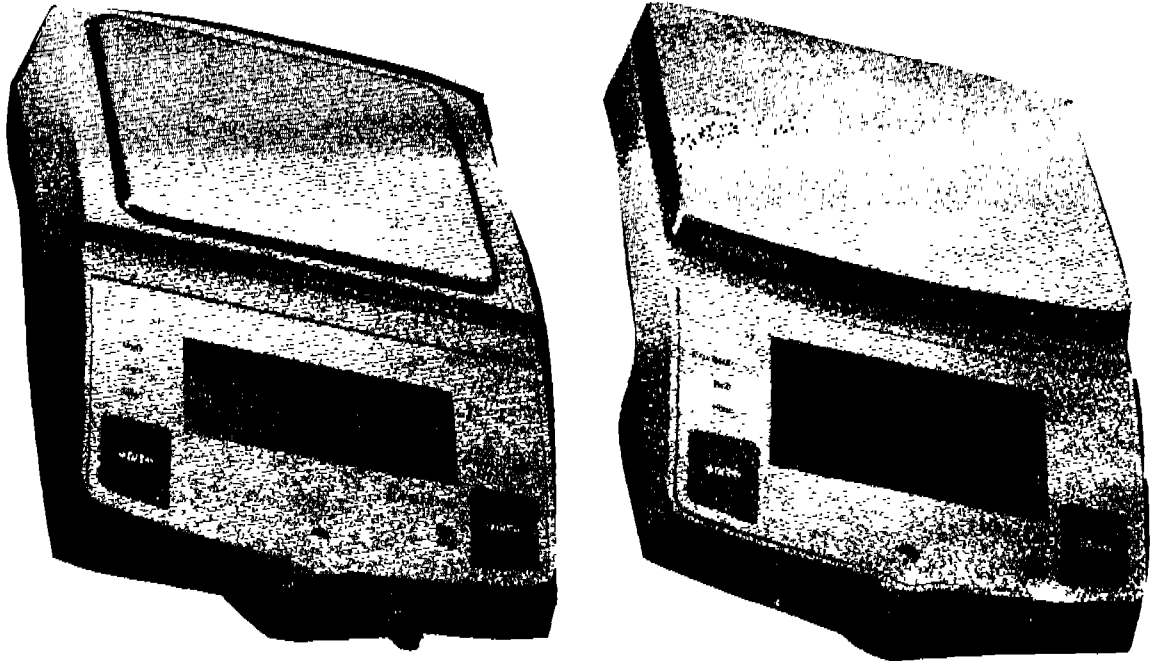
[No. WM-21(93)/97]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 20 अगस्त, 1999

का. आ. 2418.—केन्द्रीय सरकार का, नीदरलैंड मिटीस्टिट्यूट, नीदरलैंड (एन एम आई) द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (आकृति नीचे दी गई है) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा करता रहेगा;

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, “बोयागर और एक्सप्लोरर” शृंखला की, स्वतःसूचक, अस्वचालित, इलेक्ट्रानिक तोलन मशीन के माडल का नाम “ओहास” है (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसका विनिर्माण मैसर्स ओहास कारपोरेशन, 29, हैनओवर रोड, फ्लोरहम पार्क, न्यूजर्सी, यूनाइटेड स्टेट्स ऑफ अमेरिका द्वारा किया गया है और भारत में विक्रीत मैसर्स ई सी टिरोका लिमिटेड, 377/22, 6 टी क्रॉस, विलसन गार्डन, बंगलौर-560027 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई एन डी/13/99/21 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।



इस प्रमाणपत्र के अंतर्गत आने वाले माडल का विवरण निम्नलिखित है :—

प्रकार : अस्वचालित इलेक्ट्रानिक तोलन मशीन, विशेष यथार्थता वर्ग (यथार्थता वर्ग-I)

शृंखला : बोयागर और एक्सप्लोरर शृंखला

62 ग्राम \leq अधिकतम \leq 210 ग्राम, ई \geq 1 मिलीग्राम उच्च यथार्थता वर्ग (यथार्थता वर्ग-II)

210 ग्राम \leq अधिकतम \leq 8100 ग्राम, ई 10 मिलीग्राम

12 किलोग्राम \leq अधिकतम \leq 32.1 ग्राम, ई \geq 1 ग्राम

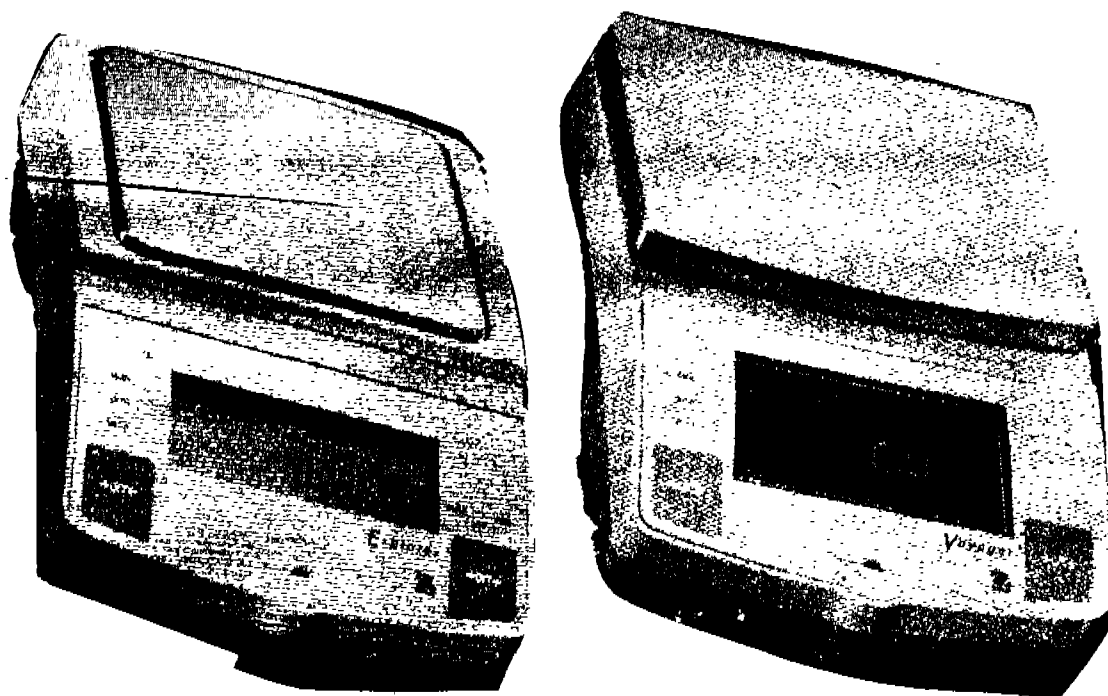
[फा. सं. डब्ल्यू एम-21(34)/98]

पी. ए. कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 20th August, 1999

S. O. 2418.—Whereas the Central Government, after considering the report submitted to it by the Netherland Meetinstituut, Netherland (NMI) is satisfied that the Model described in the said report (given in the figure below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain the accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of the self-indicating, non-automatic, electronic weighing machines of type "Voyager and Explorer" series and with brand name "Ohaus" (hereinafter referred to as the Model) manufactured by M/s Ohaus Corporation, 29, Hanover road, Florham Park, New Jersey, United States of America, and sold in India by M/s Essae Tewraoka Limited, 377/22, 6th Cross, Wilson Garden, Bangalore-560027, and which is assigned the approval mark IND/13/99/21;



The details of the model covered under this certificate are belows :

Type : Non-automatic electronic weighing machines

Serial : Voyager and Explorer series

Class of accuracy :

Special Accuracy Class (Accuracy class I)

$62g \leq \text{Maximum} \leq 210g; e \geq 1mg$

High Accuracy class (Class II)

$210g \leq \text{Max} \leq 8100g; e \geq 10mg$

$12kg \leq \text{Max} \leq 32.1g; e \geq 1g$

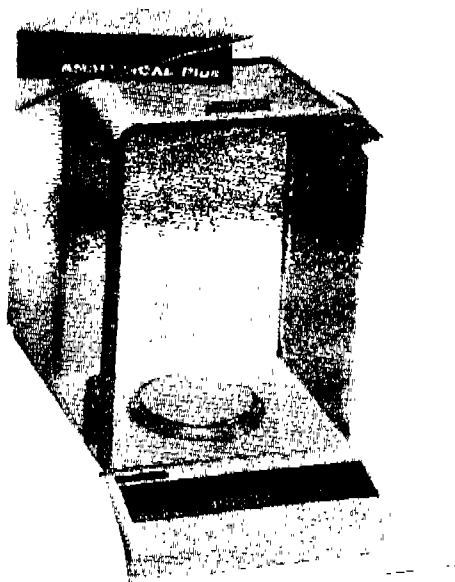
[F No. WM-21(34)/98]

P A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 20 अगस्त, 1999

का. आ. 2419.—केन्द्रीय सरकार का, नीदरलैंड मिटीस्ट्रिटवूट, नीदरलैंड (एन एम आई) द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (आकृति नीचे दी गई है) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधियों में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा करता रहेगा;

अतः, केन्द्रीय सरकार, उक्त अधिनियम, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, "ए पी" श्रृंखला की स्वतःसूचक, अस्वचालित, इलेक्ट्रॉनिक तोलन मशीन के माडल का, जिसके ब्राण्ड का नाम "ओहास" है (जिसे इसमें इसके पश्चात् माडल कहा गया है) और जिसका विनिर्माण मैसर्स ओहास कारपोरेशन, 29, हैनओवर रोड, फ्लोरहम पार्क, न्यूजर्सी, यूनाइटेड स्टेट्स ऑफ अमेरिका द्वारा किया गया है और भारत में विक्रीत मैसर्स ई सी टिरोका लिमिटेड, 377/22, 6 वी क्रॉस, विलसन गार्डन, बंगलौर-560027 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई एन डी/13/99/22 समनुदेशित किया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।



इस प्रमाणपत्र के अंतर्गत आने वाले माडल का विवरण निम्नलिखित है :—

प्रकार : ऐसी अस्वचालित इलेक्ट्रॉनिक तोलन मशीनें जो जनता को सीधे विक्रय करने के लिए उपयोग किये जाने के लिए आशयित नहीं है।

श्रृंखला : ए पी-110 ई श्रृंखला अधिकतम 110 ग्राम, ई मान 1 मिलीग्राम

ए पी-210 ई श्रृंखला अधिकतम 210 ग्राम, ई मान 1 मिलीग्राम

ए पी-310 ई श्रृंखला अधिकतम 310 ग्राम, ई मान 1 मिलीग्राम

ए पी-250 ई दोहरी रेंज, अधिकतम 52 ग्राम और 210 ग्राम, ई मान 1 मिलीग्राम

यथार्थता वर्ग : विशेष यथार्थता वर्ग, यथार्थता वर्ग।

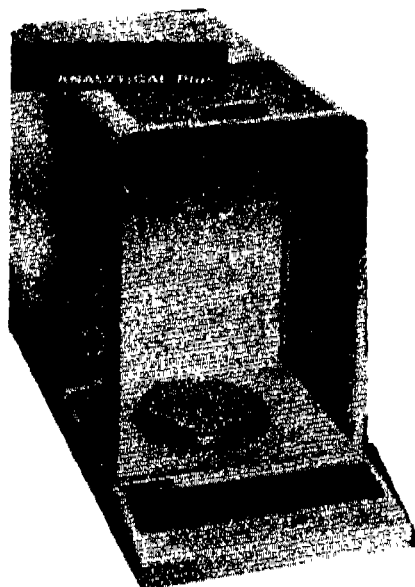
[फा. सं. डब्ल्यू एम-21(34)/98]

पी. ए. कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 20th August, 1999

S. O. 2419.—Whereas the Central Government, after considering the report submitted to it by the Neetherland Meetinstituut, Netherland (NMI) is satisfied that the Model described in the said report (figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976), and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain the accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of Model of the self-indicating, non-automatic, electronic weighing machines of type "AP" series and with brand name "Ohaus" (hereinafter referred to as the Model) manufactured by M/s. Ohaus Corporation, 29, Hanover road, Florham Park, New Jersey, United States of America, and sold in India by M/s. Sae Ieraoka Limited, 377/22, 6th Cross, Wilson Garden, Bangalore-560027, and which is assigned the approval mark IND/13/99/22;



The details of the model covered under this certificate are as follows :

- Type : Non-automatic electronic weighing machines not intended to be used for direct sales to the public.
- Serial : AP-110E series Maximum 110g; e value 1mg
 AP-210E series Maximum 210g; e value 1mg
 AP-310E series Maximum 310g; e value 1mg
 AP-250E series Dual range; Maximum 52g and 210g; e value 1mg
 Class of accuracy : Special Accuracy class; Accuracy class I

[F. No. WM-21(34)/98]

P. A. KRISHNAMOORTHY, Director, Legal Metrology

अम मंत्रालय

नई दिल्ली, 2 अगस्त, 1999

का. आ. 2410.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल रेलवे, नागपुर के प्रबन्धसूत्र के संबंध में नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कम-लेबर-कोर्ट, मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार का 30-07-1999 को प्राप्त हुआ था।

[संख्य-41012/169/97-आई. आर. (बी-1)]

जी. राय, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 2nd August, 1999

S.O. 2420.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No. 2 Mumbai, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Railway Nagpur and their workman, which was received by the Central Government on 30-7-1999.

[No. L-41012/169/97-IR(B-I)]

G. ROY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II MUMBAI

PRESENT :

Shri S. B. Panse, Presiding Officer.

REFERENCE NO. CGIT-2/29 of 1998

Employers in relation to the Management of Central Railway, Nagpur.

AND

Their Workmen

APPEARANCES :

For the Employer : Mr. Suresh Kumar, Advocate.

For the Workmen : Mr. Anwar Kazi, Representative.

MUMBAI, dated 13th July, 1999

AWARD-PART-I

The Government of India Ministry of Labour, by its Order No. L-41012/169/97-IR(BI), dated 17-3-98, had referred to the following Industrial Dispute for adjudication :

"Whether the action of the management of Divisional Operating Manager, Office of the D.R.M. Central Railway, Nagpur, in removing from service Shri Vinay S/o Sitaram Patrange, Nagpur, w.e.f. 19-6-96 is justified? If not, to what relief and benefits the workman is entitled to?"

2. Vinay Sitaram Patrange (the workman pleaded that he came to be appointed with the Central Railway, Nagpur (herein after referred to as a management) in January, 1970 as a casual mechanic and posted at Agni. Then he was transferred from one place to other and in 1991 was posted at Nagpur Main Station and then again transferred to Sindhi.

3. The workman averred that on 20-4-95 a chargesheet was issued to him allegeding that he remained unauthorisedly absent between 24-6-94 to 28-10-94 and 31-12-94 to 31-1-95. It is averred that alongwith the said chargesheet he was not supplied with the documents and the list of witnesses.

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4. The workman pleaded that a domestic inquiry was conducted against him. The inquiry was against the Principles of Natural Justice as he was not supplied with copies of the documents and list of witnesses. It is averred that he was also not supplied with the inquiry report. The application which he gave were not received by the inquiry officer. It is submitted that he was not given a reasonable opportunity in the course of the inquiry. It is submitted that whenever disciplinary authority is an inquiry authority it has the discretion to over all agree with the report of the inquiry officer or to record its own finding. It is not mechanical process. As it did not receive any report he could not make submissions in respect of the same. It is averred that he was also not given a personal hearing in the matter.

5. The workman averred that even for the same of argument if it is submitted that the charges are proved the punishment which is awarded is disproportionate. For all these reasons it is submitted that he may be reinstated in service in continuity alongwith back wages.

6. The management resisted the claim by the written statement (Exhibit-6). It is averred that the Tribunal has no jurisdiction to decide the reference. It is submitted that Patrange is a civil servant and not a workman as per the provisions of the Industrial Disputes Act of 1947. Therefore the Tribunal has no jurisdiction to decide the reference. It is further alleged that railway is not an industry.

7. The management pleaded that the domestic inquiry which was conducted against the workman was as per the Principles of Natural Justice. It is submitted that the details of the absentism period was specifically mentioned in the chargesheet which was supplied to the applicant. It is averred that no written statement was filed to the said chargesheet by the workman. It is submitted that the workman himself chosen to represent himself in the inquiry. It is averred that he admitted before the inquiry officer that he was absent due to the sickness of his wife. It is averred that the workman himself stated in the inquiry that he did not produce a medical certificate for the said period.

8. The management pleaded that a letter was issued to the workman regarding the fixation of the inquiry and attending the inquiry with ARE. All these facts clearly go to show that he was apprised, all the prosecution witnesses and the details of the absentism period. It is submitted that under such circumstances the allegations that the inquiry was not as per the Principles of Natural Justice are denied.

9. The management pleaded that the appeal, the revision which were preferred by the workman were rightly denied by the authorities. It is averred that the workman is changing his defence from time to time. Before the inquiry officer he had taken the stand that due to the sickness of his wife he remained absent, but, in the appeal he contended that he himself was sick, in the said period. It is therefore averred that the workman has not come before the Tribunal with clean hands. It is submitted that the punishment which is awarded to the workman is perfectly legal and proper. For all these reasons it is submitted that the reference may be answered accordingly.

10. The issues are framed at Exhibit-10. First three issues are treated as preliminary issues. The issues and my findings there on are as follows :—

ISSUES

FINDINGS

- | | |
|---|------|
| 1. Whether the domestic inquiry which was held against the workman was against the Principles of Natural Justice? | Yes. |
| 2. Whether the findings of the inquiry officer are perverse? | Yes. |
| 3. Whether the Tribunal had jurisdiction to decide the reference? | Yes. |

REASONS

11. Vinay Sitaram Patrange (Exhibit-12) affirmed that he received a chargesheet dated 20-4-95 wherein it was alleged that he remained absent unauthorisedly during February 1994 to January 1995 for 184 days. But alongwith the

chargesheet he was not supplied with the documents on which the management wants to rely and the list of witnesses. V. G. Nair (Exhibit-16) Assistant Personnel Officer did not depose that the documents were supplied to the workman and that the list of witnesses was given to him. After perusal of the chargesheet (Ex-9/1) it can be seen that it is mentioned there in that the workman was asked to see the documents from the office within 10 days from the receipt of the chargesheet and file his say. He did not file any say. Annex-III mentions the name of the person who will be examined to prove the documents and Annexure-IV deals with the names of witnesses who will be examined in the proceedings. There is no name mentioned but the management examined two witnesses in the matter. After perusal of the inquiry proceedings which are at Exhibit-9/2 there is no mention that the copies of the documents were supplied to the workman. The result is that it has to be accepted that the workman was not supplied with the documents and the list of witnesses on which the management relied.

12. Patrange affirmed that his signatures were taken on the proceedings which were in English. He was not explained the same. There was no Presenting Officer. After perusal of the inquiry proceedings, it is very clear that there was no Presenting Officer. But it is not necessary that the Presenting Officer should be appointed in all inquiries. What is to be seen is whether the Enquiry Officer is acting as a prosecutor. In that case only it can be said that it is against the Principles of Natural Justice. Herein this case I do not find that he acted as a prosecutor. But at the same time I find that he did not follow the Principles of Natural Justice.

13. After perusal of the inquiry proceedings it reveals that the witnesses which were examined were not cross examined by the workman. From page 8 of the inquiry proceedings it can be seen that the question was put to him that he can be represented by any other person. But he replied that he does not want any such help. Even though this is the position it was the duty of the inquiry officer to tell him after the Examination-in-Chief of the management witnesses is over that he should put questions to them if he chooses. But there is no endorsement to the effect that even though an opportunity was given to the workman to cross-examine the witnesses he declined to do so. The conclusion is that he must not have been given any opportunity to do so. It can be further revealed that the statement of witnesses which are recorded by the inquiry officer and which are at page Nos. 9 & 10 do not bear the signature of the workman. Therefore it was rightly argued on behalf of the workman that he was not given opportunity to cross examine the witnesses.

14. From the perusal of the inquiry proceedings it cannot be ascertained that the workman was given an opportunity to examine himself and lead evidence in the matter. As there is no such endorsement nor there is any record to that effect it has to be presumed that no such opportunity was given to him which is against the Principles of Natural Justice.

15. It is tried to argue on behalf of the management that the workman had taken two different stands. In the initial stage before the inquiry officer he contended that he remained absent in that relevant period due to the sickness of his wife but when he preferred an appeal he took up the stand that he himself was sick and therefore could not attend the duty and remained absent. I am not inclined to accept this submission. It is because on the first day of the inquiry which took place on 21-1-96 he had stated that as his wife was sick with paralysis and there was nobody to look after her he could not attend the duties. This matter was intimated to the office. It can be further seen that Nair had produced one application which was filed by the workman in the inquiry proceedings dated 16-9-95. In that application in the beginning he had mentioned that he reported sick and was under private medical treatment and under M.S. Nagpur. But that certificate of M. S. Nagpur could not be traced. He had further stated that he could not attend to DMO Nagpur due to the sickness of his wife who is suffering from paralysis. This letter suggests regarding his own sickness and that of his wife's sickness for remaining absent, which supports the case which is tried to be made out by the worker.

16. It is well settled position that when a workman is not represented by anybody in a domestic inquiry there is heavy burden on the inquiry officer to safeguard the interest of the workman in the inquiry. It is not that he should tilt to the side of the workman. But he has to see that the workman is informed at every stage what is his right and what he is expected to do in the matter, by which he could get proper justice. In this regard the inquiry officer had not done so. Leaving aside the supply of the copies of the documents to the workman he had not asked the workman to cross examine the management witnesses nor asked him whether he wants to lead evidence in the matter to prove his case. For all these reasons I find that the inquiry which was conducted against the workman was against the Principles of Natural Justice.

17. The inquiry officer had given his report which is at Exhibit-9/2. After perusal of the report I find that it is not well reasoned. He had only reproduced the testimonies of the management witnesses No. 1 & 2 and the first days inquiry proceedings in the last paragraph. He had mentioned there in that the workman accepted that he could not give any prior intimation regarding his absenteeism to the management. This submission in the report appears to be incorrect in view of the answer given by the workman to question No. 6. He had informed the office regarding the cause of his absenteeism. The inquiry officer had not said anything in respect of this absenteeism. This is by way of explanation which was given by the workman. Further more the inquiry report does not state anything in respect of the attendance record or the documents. For all these reasons I find that the findings recorded by the inquiry officer are not well reasoned, they are not based on the evidence before him and are perverse.

18. It is well settled position that railway is an industry under section 2(j) of the Industrial Disputes Act of 1947. The functions which are carried out by the railway cannot be said to be confined to sovereign functions as they carry out commercial activity for profit.

19. There is no evidence on behalf of the management to show that how Vinay Sitaram Patrange is not a workman within the meaning of section 2(s) of the Industrial Disputes Act of 1947. The contention taken in the written statement that he is a Civil Servant and in view of the establishment of the Administrative Tribunals this Tribunal has no jurisdiction is without any merit. In the result I record my findings on the issues accordingly and pass the following order :—

ORDER

The Tribunal has jurisdiction decide the reference. The domestic inquiry which was held against the workman was against the Principles of Natural Justice and the findings of the inquiry officer are perverse.

S. B. PANSE, Presiding Officer

नई दिल्ली, 2 अगस्त, 1999

का. आ. 2421.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूको बैंक के प्रबन्धसंस्त के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण II, मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-7-99 को प्राप्त हुआ था।

[सं. एल-12012/43/98—आई. आर. (बी-II)]

जी. राय, हेड अधिकारी

New Delhi, 2nd August, 1999

S.O. 2421.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of

the Central Government Industrial Tribunal-II, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of UCO Bank and their workman, which was received by the Central Government on 30-7-99.

[No. L-12012/43/98-IR(B-II)]

G. ROY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II, BOMBAY

PRESENT :

Shri S. B. Pansc.—Presiding Officer,
Reference No. CGIT-2/139 of 1998.

Employers in relation to the management of
UCO Bank.

AND

Their workmen.

APPEARANCES :

For the Employer.—Shri V. P. Vaidya Advocate.

For the Workmen.—Mr. Umesh Nabar Advocate.

Mumbai, dated 2nd July, 1999.

AWARD

The Government of India, Ministry of Labour by its Order No. L-12012/43/98/IR(B-II), dated 10-11-1998, had referred to the following Industrial Dispute for adjudication :

“Whether the action of the management of UCO Bank in terminating the services of Shri K. M. Qureshi is legal and justified? If not, to what relief the said workmen is entitled?”

2. Shri Khalid Mohamad Qureshi, (hereinafter called as a workman) joined UCO Bank (hereinafter called as a management) on 27th November, 1976. He joined as a clerk. It is averred that somewhere in the first week of April, 1994 he fell sick and was advised a complete rest. He was diagnosed as Hypertension and Spondylitis. It is submitted that he informed the bank regarding his sickness and requested for a leave by letters dated 10th April, 1994, 16th May, 1994, 13th June, 1994. He also submits the medical certificate alongwith his letter. He prayed for sick leave, 1/2 pay leave for not attending the duties.

3. The workman pleaded that eventhough it was so the management gave him a notice dated 23rd July, 1994 purporting to be a notice under clause-17 of Bipartite settlement informing him that if he fails to report to duty within 30 days from the receipt of the letter it will be treated that he is voluntarily retired from the banks services and his name will be struck off from the muster roll without any further reference. It is averred that after the receipt of the notice the workman informed the management that he had already intimated to them regard-

ing his sickness and asked for the leave. He alongwith that letter attached the medical certificate given by the doctor. It is averred that after receipt of that letter the management by their letter dated 24th August, 1994 informed him that the certificate is not acceptable to them and he should submit the medical certificate from the Superintendent Dr. R. N. Cooper Hospital otherwise resume duties within 7 days from issue of that letter failing which his name would be struck from the muster roll.

4. The workman averred that he contacted the said hospital and he was called for medical check-up on 20th September, 1994. He intimated this fact to the management and after the check up had given a report. It is averred that the management by his letter dated 14-10-1994 informed him that he is transferred to Goregaon Branch and he should contact the said Branch Manager with suitable explanation. He thereafter informed the Manager of the Goregaon Branch that he was obsessed due to the sickness and he informed the management on different occasions by letters. He also informed the manager that he is ill not be in a position to attend the duties due to his illness and will produce the doctors certificate in due course.

5. The workman averred that eventhough the management took the action as per clause-17 by its order dated 16-12-1984 which was intimated to him by a letter dated 28-12-1994. He made several representations to the management for revoking the order but they did not. It is averred that no departmental inquiry was initiated against him for remaining absent. It is submitted that the action of the management is against the Principles of Natural Justice and contrary to clause-17 of the Bipartite Settlement. It is therefore prayed that the order dated 16-12-1994 be set aside and he may be reinstated in service in continuity alongwith full back wages.

6. The management resisted the claim by the written statement (Exhibit-6). It is averred that as the action which is taken does not fall in the four corners of section 2A of the Industrial Disputes Act of 1947, the Tribunal has no jurisdiction to decide it. It is pleaded that the workman remained absent more than 90 days without intimating the management. It is therefore, a proper notice was given to him asking him to join the duties which he did not. It is submitted that the order dated 16-12-94 does not constitute a letter of termination but it is a mere communication of the employee having deemed to have been voluntarily retired from the employment of the bank. It is averred that the workman was asked to bring the medical certificate from the Civil Hospital which he did not—It is submitted that the allegation of the workman that he was sick, he could not attend the duties is without any merit. It is asserted that the action which is taken by the management is as per the provisions of law. It is further submitted by the management that clause-17 of the Bipartite settlement is on distinct and different footing, than clause pertaining to disciplinary action. The management had not taken the action under those clauses and the case of the workman falls under clause-17 only. It is averred

that under such circumstances the workman is not entitled to any of the reliefs as claimed.

7. The workman filed a Rejoinder at Ex-7. It is averred that the termination of employment of the workman by the management for whatsoever reason amounts to otherwise termination of service of the second party workman and falls within the ambit of section 10 read with section 2A of the Industrial Disputes Act. It is averred that clause-17 of the Bipartite settlement dated 10th April, 1994 is not applicable to the present set of facts. It is averred that the management by its letter informed the workman that the medical certificates which are submitted by him are not acceptable and he is to appear before the Superintendent of R. N. Cooper Hospital. That itself goes to show that the management was aware of the reasons regarding his absenteeism. It is therefore the case does not fall under clause-17 of the Bipartite Settlement. It reiterated other contentions taken in the Statement of Claim and prayed for the reliefs.

8. The issues are framed at Exhibit-8. The issues and my findings there on are as follows :

Issues	Findings
1. Whether the Tribunal has a jurisdiction to decide the reference ?	Yes.
2. Whether it is proved that the workman did not inform the bank/management regarding this absenteeism ?	No. He informed the management.
3. Whether the workman had voluntarily retired from the service ?	No.
4. Whether the action of the management of UCO Bank in respect of Qureshi is legal and justified ?	No.
5. If not, to what relief the workman is entitled to ?	As per order

REASONS

9. Mr. Vaidya, the Learned Advocate for the management argued that the action which is taken by the management is under clause-17 of the Bipartite settlement by which the management treats the employees as voluntarily retired and his name is struck off from the musterroll. It is not discharge, dismissal, retrenchment or otherwise termination of the service of the individual. It is therefore the Tribunal has no jurisdiction. Mr. Nabar the Learned Advocate for the workman on the other hand submits that the action of the management as falls under otherwise termination. It can be seen that eventhough the wording is that of treating the workman voluntarily retired and removing his name from the muster roll practically amounts to otherwise termination. I therefore find that there is no merit in the contention of the management. In the result the Tribunal has jurisdiction to decide the reference.

10. Khalid Qureshi (Ex-11) lead oral evidence. On the other hand the management filed a purshis (Ex-13) informing the Tribunal that they do not want to lead any oral evidence. The workman has filed documents at Ex-9 and the management at Exhibit-10.

11. Clause-17 of the Bipartite Settlement dated 10-4-89 reads as follows :—

“When an employee absents himself from work for a period of 90 or more consecutive days without submitting any application for leave or for its extension or without any leave to his credit or beyond the period of leave sanctioned originally/subsequently or when there is sufficient evidence to that he has taken up employment in India or when the management is reasonably satisfied that he has no intention of joining duties the management may at any time thereafter give a notice to the employee at his last known address calling upon him to report for duty within 30 days of the date of notice stating inter alia, the grounds for coming to conclusion that the employee has no intention of joining duties and furnishing necessary evidence where available. Unless the employee reports for duty within 30 days of notice or given an explanation for his absence within the said period of 30 days satisfying the management that he has not taken up another employment or avocation and that he has no intention of joining duties, the employee will be deemed to have voluntarily retired from the banks service on the expiry of the said notice

12. It is not in dispute that the workman is absent from work for a period of 90 days and more continuously. Now it is to be seen whether he remained absent without submitting any application for leave. Qureshi affirmed that as he was falling sick from April, 1994 and as per the advise of the doctor he decided to take a complete rest. He did not attend the duties from 4th April, 1994. He affirmed that he informed the Manager UCO Bank, Marol, Andheri Branch by his letter dated 10-4-1994 (Exhibit-9/1) and letter dated 16-5-1994 (Ex-9/2) and asked for a medical leave. So far as these two letters are concerned I do not find any acknowledgment receipts to show that they were received by the bank. But as he was affirmed and as there is no cross-examination regarding the same there is no reason to disbelieve him that he intimated regarding his sickness and asked for medical leave.

13. Qureshi affirmed that on 13th June, 1994 (Exhibit-9/3) he wrote to the Manager informing that due to the sickness he is unable to attend the duties and send a medical certificate. No doubt in this letter he had not said anything in respect of leave. But the fact still remains that he intimated the management the reason for his remaining absent. Whether it is genuine or not is another question.

14. The management thereafter had given a notice dated 23rd July, 1994 (Exhibit-9/5) purporting to

be a notice under clause-17 of the Bipartite settlement. In this notice it is categorically mentioned that the workman did not report to the duties nor submitted any leave application/explanation for his unauthorised absence. Basically in view of the earlier letters which I have referred to above the contention in this letter appears to be incorrect. I repeat whether the explanation was genuine or not is another question. But, there is a leave application/explanation for remaining absent

15. Qureshi affirmed that after receipt of the said notice he again wrote to the management by its letter dated 12-8-1994 (Exhibit-9/6) and reinstated that due to the sickness he is unable to attend the duties. He had already informed the management regarding the same and had already submitted the certificate. He again alongwith that letter produced another certificate given by the Holy Spirit Hospital. The management then wrote a letter dated 24-8-1994 (Exhibit-9/8) informing the workman that the medical certificate given by him is not acceptable to them and he should approach to the Superintendent Dr. R. N. Cooper Hospital otherwise resume duties within 7 days from issue of that letter failing which it would be deemed that he had voluntarily retired from the bank's services after the expiry of notice period and his name will be struck off from muster roll. Looking to this letter it is very clear that the medical certificate which was given by the workman was not acceptable. It goes to show that there was a notice to the bank regarding his absentism due to the sickness. Whether it was genuine or not is another question. So far as clause-17 is concerned what is required is an intimation to the management for remaining absent, and asking for leave. There is nothing on the record to show that the management informed the workman that there is no credit of any leave to his account and no leave could be granted to him whether sick leave, 1/2 pay leave.

16. Qureshi affirmed that after receipt of the letter he approached the concerned Hospital for medical check up. He was asked to come for medical check up on 20th September, 1994. He accordingly informed the bank by his letter dated 13th September, 1994. It is pertinent to note that alongwith that letter he produced copy requisition slip and case paper of Dr. R. N. Cooper Hospital. It appears from the case paper that the doctor had checked him on 20-9-1994. Therefore it appears that he followed the directions given by the management.

17. From the above said discussion it is very clear that the workman was intimating the management regarding his remaining absent and asking for a leave. It is pertinent to note that the management by its letter dated 14-10-1994 informed Qureshi that he is transferred to Goregaon Branch and he is relieved from Andheri Branch. It is further mentioned in that letter that he was instructed to report to Goregaon Branch after his leave and offer a suitable explanation to them. The word 'leave' is used in this letter supports the case of the workman that he was informing the management that give him leave due to his sickness and it appears from that letter that he must have been given leave even though there is no record to that effect. If

that is so the case which is tried to be made out by the management under clause-17 of the Bipartite Settlement, is obviously misplaced.

18. The Manager by this order dated 16-12-1994 informed Qureshi that he was served with a notice dated 24-8-1994 asking him to join the duties within 30 days alongwith satisfactory explanation for unauthorised absence. But in the notice dated 24-8-1994 he was asked to join within 8 days from that notice. It is further contended that he failed to report the duties. But in fact in the notice dated 24-8-1994 he was asked to meet the Superintendent of the Civil Hospital and get himself checked which he did. In other words from all the documents on the record and from the testimony of Qureshi it reveals that there was an intimation application for leave by Qureshi. It is therefore the case does not fall under clause-17 of the Bipartite Settlement. It is another question whether the explanation given by the workman is satisfactory or not. If it is not satisfactory then the management had another course to take action against the workman. But obviously not under clause-17 of the Bipartite settlement. Naturally the management's action treating the workman voluntarily retired from the service is incorrect. Not only that after the order dated 16-12-1994 which was communicated to workman by its letter dated 28-12-1994. He time and again represented the disciplinary authority and his superiors to revoke that order and allow him to join the duties. But they had not taken any action.

19. Qureshi affirmed that the action is illegal. He may be reinstated in service alongwith continuity and back wages. In the cross-examination it is tried to suggest that he had already taken medical leave. It does not damage the case. In the result I record my findings on the issues accordingly and pass the following order :

ORDER

The action of the management of UCO Bank in treating the workman voluntarily retired from service and striking his name from the muster roll is not legal and not justified.

The management is directed to reinstate the workman in service in continuity and pay him full back wages from 16-12-1994.

S. B. PANSE, Presiding Officer.

नई दिल्ली, 3 अगस्त, 1999

का. भा. 2422.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एल. आई. सी. ऑफ इंडिया के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में श्रम न्यायालय अर्न्तकूलम के पंचद को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-8-99 को प्राप्त हुआ था।

[सं. एल-17012/54/99-आई. प्रार. (बी-II)]

जी. राय, ईस्क अधिकारी

New Delhi, the 3rd August, 1999

S.O. 2422.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Labour Court, Ernakulam as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 02-08-99.

[No. L-17012/54/97-IR(B-II)]

G. ROY, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT LABOUR COURT, ERNAKULAM

(Labour Court, Ernakulam)

(Tuesday, the 6th day of July, 1999)

PRESENT :

Shri D. Mohanarajan, B.Sc., LL.B.,
Presiding Officer.

Industrial Dispute No. 42/98(C)

BETWEEN :

The Senior Divisional Manager, Life Insurance Corporation of India, Divisional Office, P.B. No. 1133, Cochin-11
And

The General Secretary, LIC Employees Union, Ernakulam Division, P.B. No. 1133, Kochi-682 011.

REPRESENTATION :

Sri. Lal George,
Advocate, Lucky Star Building,
Market Road, Ernakulam. For Management

AWARD

The Government of India as per Order No. L-17012/54/97/IR(B-II) dated 18-8-1998 referred the following industrial dispute to this court for adjudication :

Whether the action of the management of LIC of India, Divisional Office, Ernakulam in denying the assistance of a co-employee working in other branch office situated in same Zonal Office in the Domestic enquiry pending against the workman, Sh. K. V. Joy, Record Clerk, LIC Perumbavoor Branch Office, Ernakulam Division is legal and justified? If not, to what relief the said workman is entitled?

2. When the case stood posted for claim statement from the workman with an order of "Last Chance" today the 6th day of July, 1999, it was submitted by his counsel that the dispute has been settled out of court and so he does not propose to proceed the matter any further. Hence, an award is to be passed holding that there is no subsisting industrial dispute between the parties to be resolved.

In the result, the reference is answered holding that there is no subsisting industrial dispute between the parties to be adjudicated.

6-7-1999,
Ernakulam.

D. MOHANARAJAN, Presiding Officer

नई दिल्ली, 6 अगस्त, 1999

का. आ. 2423 ---औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टी. जी बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलूर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-8-1999 को प्राप्त हुआ था।

[संख्या एल-12012/41/93-आई. आर. (बी-1)]
जी. राय, डेस्क अधिकारी

New Delhi, the 6th August, 1999

S.O. 2423.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of T.G. Bank and their workman, which was received by the Central Government on 05-08-1999.

[No. L-12012/41/93-IR(B-I)]

G. ROY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

DATED : 28-7-99

PRESENT :

JUSTICE R. RAMAKRISHNA, Presiding Officer.
C.R. NO. 32/93

I PARTY

Sharanappa,
C/o The General Secretary,
Tungabhadra Gramina Bank,
Employees Union.
144, Kappagal Road,
Bellary-583 103.

II PARTY

The Chairman,
Tungabhadra Gramin,
Bank,
Head Office,
Gandhi Nagar,
Bellary-583 103.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2A of the section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-12012/41/93-IR-B.I. dated 30-4-93 on the following schedule :

SCHEDULE

"Whether the action of the management of Tungabhadra Gramin Bank in terminating the services of Shri. Sharanappa w.e.f. 12-11-1990 is legal and justified? If not, what relief the workman is entitled to and from which date?"

2. At the instances of the first party this reference is made for adjudication. The claim statement of the first party discloses that he was employed as a Messenger in Chikkana Koppa branch of second party branch w.e.f. 29-1-1990. He has contended that the second party utilised his services as a full time messenger as there was no full time messenger in Chikkana Koppa branch at the relevant time. He has further contended that though he worked from 29-1-1990 to 11-1-90, continuously for more than 287 days his services are terminated w.e.f. 12-11-90 without assigning any valid reasons. His further contention is that the second party failed to follow the provisions contained in clause 25F (a) and (b) of the Industrial Disputes Act. Since his termination amounts to retrenchment he is entitled for re-instatement back wages and regularisation.

3. The second party have denied the averments made by the first party in to-to.

4. They have contended that the first party was engaged by the Branch Manager as a part time daily wage to do the work of sweeping, cleaning and other miscellaneous work on part time basis. This work used to be provided to him on need basis. They have denied the contention that he has worked more than 240 days continuously. The second party also pointed out the rules governing the appointment for the post of the Messenger. Since those rules are not followed as it is only an engagement of part time job, there is no question of any termination of his services as contended by him.

5. My predecessor has framed some preliminary issues on 13-8-1996. The discussion on those issues are not necessary in view of some of the admitted fact made available in the case.

6. The second party examined the Manager who worked in that branch from 10-7-1987 to 19-5-90 as MW-1. He has stated that they have provided work to this workman whenever a permanent workman is on leave. The payment used to be made after noting in the General Ledger and the amount used to be credited to the SB Account maintained in the name of this workman. Infact a permanent messenger was working during the relevant period of time.

7. In support of this contention the SP Account ledger extract is marked as Ex. M-1. Ex. M-2 is the payment particulars made to various temporary messengers during relevant time. Ex. M-3 is an extract

of total number of days worked by this workman during 1990. This exhibit shows this workman worked for about 197 days only.

8. To substantiate the allegation made in the claim statement the first party neither cross examined MW-1 nor he has placed his evidence in support of his claim statement.

9. The above facts discloses that the services of first party was utilised as a part time messenger in accordance with the relevant circulars, to work only when a permanent messenger is on leave. Therefore, the very reference is defective as there was absolutely no termination of the employment. It is observed that in many number of cases of this nature the concerned part time employees are provided work for much longer period. As it regards to the facts of regularisation the schedule does not speak to adjudicate on that matter. Even otherwise it is a matter that should be decided on the settled principles of rules.

In these circumstances I make the following order :

ORDER

The reference is rejected.

(Dictated to the stenographer, transcribed by her, corrected and signed by me on 28-7-99).

JUSTICE R. RAMAKRISHNA, Presiding Officer

नई दिल्ली, 29 जुलाई, 1999

का. आ. 2424.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ इंडिया, बिलासपुर के संबद्ध प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अदिकरण जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-7-1999 को प्राप्त हुआ था।

[स. एल-12012/73/83-आई. आर. (बी-1)]
जी. राय, डेस्क अधिकारी

New Delhi, the 29th August, 1999

S.O. 2424.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of SBI, Bilaspur and their workman, which was received by the Central Government on 29-7-1999.

[No. L-12012/73/83-IR(B-D)]

G. ROY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, JABALPUR

PRESIDING OFFICER SHRI D. N. DIXIT
CASE NO. CGIT/LC/IR/129/95

K. Manmadha Rao,
Q. No. 24/L, Bungalow Yard,
Near Bharat Mata School,
Bilaspur (MP).

Workman

Vs.

The Regional Manager,
State Bank of India,
Region-II, Raipur.

Management

AWARD

1. Ministry of Labour, Government of India by order No. L/12012/88-IR(B-I) dated 12-7-95 has referred the following dispute for adjudication by this Tribunal.

“Whether the action of the management of State Bank of India Bilaspur in terminating the services of Shri K. Manmadha Rao w.e.f. 29-1-85 is legal and justified? If not, to what relief the workman is entitled?”

2. The case of the workman is that he worked as a messenger with State Bank of India Bilaspur from 1-10-84 to 29-8-85 on daily wages of Rs. 32 per day. The services of the workman have been terminated w.e.f. 30-1-85. Prior to termination notice or wages in lieu of has not been given to workman. The workman also has not been paid retrenchment compensation. The management has not prepared the seniority list of his staff for future recruitment. Junior persons then workman were re-employed by the management but workman has not been re-employed. The workman has been interviewed but appointment has not been given to him. Workman wants re-instatement and all monetary benefits.

3. The case of the management is that the workman was engaged temporary on daily wages and as soon as the work was over he has not been re-employed. The workman was not a permanent employee of the Bank. He has merely worked for 121 days in a casual vacancy. The workman has raised dispute 11 years after stoppage of work. The present dispute is barred by limitation. The workman was given 2 opportunities to face interview committee and both the times he was rejected. The workman is not entitled to any relief.

4. Admittedly the workman has worked for 121 days from 1-10-84 to 29-1-85 in the Bank. This employment was need based and subject to a validity of the work. This employment was on temporary basis. The workman has worked on daily wages i.e. it is not that he has been appointed for unlimited period. In fact, his appointment was on daily wages that means it was on the fixed salary and he will not be entitled to be engaged again. Workman has not produced any order to show his appointment was for a particular period. The Workman has produced a certificate dt. 10-9-85 in which it is mentioned that the workman has worked for 121 days as a temporary messenger. The workman is not covered within the meaning of Sec. 2(20) 2(bb) of the I.D. Act.

5. The workman has filed his affidavit in the present case and he has been cross-examined. As stated in Para 6 of his affidavit that Bank interviewed him at two different occasions but he has not been

selected. Thus, the management has been fair to the workman and has given him opportunity to face the selection committee. The workman could not qualified for selection.

6. The workman has admitted that he was a daily wages employee for 121 days from 1-10-84 to 29-1-85. No rights has been created by the workman on the post held by him. He has been paid wages for the period he worked in the Bank. The provisions of Sec. 25(F) of I.D. Act are not applicable to the workman.

7. The workman was removed from work in the Bank from 29-1-85. After 11 years the workman has raised the present dispute. The workman could not explain why he was silent for 11 years. This fact is sufficient to disallow the contention of the workman.

8. The workman has not been terminated this period of appointment was over on 29-5-85 and there was no work hence he has not been given further employment. Later on he has faced 2 selection committees and both the times he has been rejected. Thus, management has done nothing which is legal or contrary to principles of natural Justice. The action of the management is in accordance with principles of natural justice. The workman is not entitled to any relief.

9. The award is given in favour of the management and against the workman. Parties to bear their own costs.

10. Copies of award be sent to Ministry of Labour, Government of India as per rules.

D. N. DIXIT, Presiding Officer

नई दिल्ली, 6 अगस्त, 1999

का. आ. 2425.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टी. जी. बैंक के प्रबन्धतंत्र के सबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बैंगलूर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-8-1999 को प्राप्त हुआ था।

[सं. एल-12012/42/93-आई. आर. (बी-1)]

जी. राय, डेस्क अधिकारी

New Delhi, the 6th August, 1999

S.O. 2425.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of T. G. Bank and their workman, which was received by the Central Government on 05-08-1999.

[No. L-12012/42/93-IR(B-I)]

G. ROY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, BANGALORE
DATED : 28-7-99

PRESENT :

JUSTICE R. RAMAKRISHNA
PRESIDING OFFICER
C.R. No. 33/93

I PARTY

Shri C. K. Kotrappa,
C/o The General Secretary,
Tungabhadra Gramin Bank
Employees Union,
No. 144, Kappagal Road,
Bellary 583 103

II PARTY

The Chairman,
Tungabhadra Gramin Bank,
Head Office, Sanganakal Road,
Gandhinagar,
Bellary 583 103

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-12012/42/93-IR.(B.I.) dated 30-4-1993 on the following schedule :

SCHEDULE

"Whether the action of the management of Tungabhadra Gramin Bank, Bellary in terminating the services of Shri C. Kotarappa is legal and justified? If not, to what relief the workman is entitled to?"

2. The I party is admittedly claiming a right for regularisation on some pretext, though he was engaged to work as a part-time sub-staff during the period 1984 and 1992.

3. The plea of the I party in the claim statement is that he was employed as a messenger in the Sogi branch in II party bank w.e.f. 3-8-84. His further contention is that due to vacancy of a full time messenger he was asked to do full time work of assisting the officers including cleaning, sweeping and other Sundry works.

4. His further case is that he had worked from 3-8-84 to 31-12-91 continuously and he has also completed more than 240 days in a given year. According to him his service was only terminated w.e.f. 31-12-91 though there was an assurance that his services would be regularised.

5. His last contention is there was no reason for the II party to terminate his services though they had sufficient work for this workman to continue. There was vacancies of messenger and there was no impediment to regularise the services of the I party. Therefore he prayed for an order of reinstatement, regularisation of his services with other consequential benefits.

6. The II party in their counter statement have denied all the allegations made by the I party in his claim statement.

7. They have contended that the I party was engaged by the Branch Manager as a part time daily wager to do sweeping, cleaning and other miscellaneous work on part time basis. His service were utilised on need basis whenever a regular messenger is on leave. In fact the I party was informed that it is only a part time work which does not create any legal right for making any claim. It is further contended that he was engaged uninterruptedly between August 84 and December 91, and he has not put in 240 days of continuous work in any given year. He was also not removed from the service as his name is still in the panel of daily wager and whenever there is work it is entrusted to him. Infact after 31-12-91 the service of the I party is utilised. Therefore the II party prayed for rejecting the reference.

8. On the basis of the pleading the following issues are framed for consideration :

1. Whether the I party is not a workman in the II party?
2. Whether the I party is not entitled to get the benefits of ID act?
3. Whether the II party has justified no termination service of I party?
4. To what relief the parties are entitled?

8A. The above issues are only consequential to the schedule to the reference. A separate answer to the above issues are not necessary in view of the respective contentions taken by the parties.

9. The case of the II party has been made out through the evidence of MW1 a Manager who was working at Sogi branch at the relevant point of time. This witness has stated that 2413 GI/99—12.

he worked in that branch from 1-6-89 to 25-6-92 as a manager. The I party was provided work as a daily wager in that branch. The work used to be provided whenever the regular messenger absented to duty and it was not a regular work. The work provided to the I party is intermittent on need basis and he did not worked 240 days or more in any given year. The payment used to be made once in a week and the said money used to be credited to his S.B account. The expenses are charged under General Charges account.

10. He has further stated that the daily wager will be appointed in accordance with circular and Government Order Ex. M1 and M2 respectively. Ex. M2 is a Notification for appointment and Ex. M4 is a statement showing the number of days I party worked during the period in question. In fact this workman gave a letter to the bank as per Ex. M5 indicating by himself the particular of days he worked.

11. The workman examined himself as WW1. He has made some improvements in his evidence without any support and he has admitted the fact even after the alleged termination he has still working as a part time daily wager in that branch.

12. It is crystal clear this workman was not terminated from services. Therefore the reference is defective. The II party, by both oral and Documentary evidence, proved beyond reasonable doubt that this workman was a part time daily wager whose appointment was aimed as per the directions contained in Ex. M1. For regular employment the II party shall follow the Regional Rural Banks (appointment and promotion of officers and other employees) Rules, 1988. As per Ex. M-4 the first party worked 6 days in 1984, 9 days in 1985, 30 days in 1986, 17 days in 1987 etc., the maximum number of work is in the year 1990 which was 146 days.

13. The above facts and circumstances shows that initially there was no termination as contended by the first party, secondly, since his appointment was on the basis of a circular to work as part time daily wager he cannot make a claim of regularisation unless his name is registered in the panel of part time employees. In fact it is not the intentment of the reference also.

14. Having regards to these facts and circumstances the reference is rejected.

(Dictated to the stenographer, transcribed by him, corrected and signed by me on 28-7-99.)

JUSTICE R. RAMAKRISHNA, Presiding Officer

नई दिल्ली, 11 अगस्त, 1999

का. आ. 2426.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ इंडिया, औरंगाबाद के प्रबन्ध तंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण मुम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार की 10-8-1999 को प्राप्त हुआ था।

[सं. एल-12012/51/98-आई. आर. (बी-1)]

जी राय, डैस्क अधिकारी

New Delhi, the 11th August, 1999

S.O. 2426.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Mumbai as shown in the Annexure in the Industrial Dispute

between the employers in relation to the management of SBI, Aurangabad and their workman, which was received by the Central Government on 10-8-1999.

[No. L-12012/51/98-IR(B-I)]

G. ROY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

PRESENT :

Shri Justice C. V. Govardhan, Presiding Officer.
Reference No. CGIT-1/46 OF 1998

PARTIES :

Employers in relation to the management of
State Bank of India, Aurangabad

AND

Their workmen.

APPEARANCES :

—For the Management : Shri R.N. Shah, Advocate.

For the Workman : No appearance.

STATE : Maharashtra.

Mumbai, dated this the 23rd day of July, 1999

AWARD

The Central Govt. has referred the following dispute the employer State Bank of India, Aurangabad and their workman Shri Ranjandas M. Choudhary for adjudication by this Tribunal :

“Whether the action of the management of State Bank of India through its Dy. General Manager, Region-III, State Bank of India, Aurangabad in terminating the services of Shri Ranjandas M. Choudhary in May, 1994 is legal, proper and justified ? If not, to what relief the said workmen is entitled to ?”

The workman was absent in the last 6 occasions and not filed any claim. Today also the workman is absent inspite of notice served on him. Hence, it appears that the workman is not interested in prosecuting the reference. In the result, an award is passed in favour of the management. Reference is disposed off.

C. V. GOVARDHAN, Presiding Officer

नई दिल्ली, 11 अगस्त, 1999

का. आ. 2427.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पांडेयन ग्रामा बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण चेन्नई के पंचपट को प्रकाशित करती है; जो केन्द्रीय सरकार को 10-8-1999 को प्राप्त हुआ था।

[सं. एल-12012/53/97-आई. आर. (बी-1)]

जी. राय, डेस्क अधिकारी

New Delhi, the 11th August, 1999

S.O. 2427.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Pandyan Grama Bank and their workman, which was received by the Central Government on 10-8-1999.

[No. L-12012/53/97-IR(B-I)]

G. ROY, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU, CHENNAI

Monday, the 22nd day of March, 1999

PRESENT :

Thiru S. Ashok Kumar, M.Sc. B.L.
Industrial Tribunal.

Industrial Dispute No. 5/1998

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the management of Pandyan Grama Bank, Virudhunagar).

BETWEEN :

The Workmen represented by
Sri V. Pushpavanam,
C/o Pandyan Grama Bank Employees' Assn.
Virudhunagar-676001

AND

The Chairman, Pandyan Grama Bank,
72, Kanthapur Street, Virudhunagar-676001.

Reference :

L-12012/53/97-IR(BI), dated 2-1-98, Ministry of Labour, Government of India, New Delhi.

This dispute coming on this day for final disposal in the presence of Thiru P. V. S. Girdhar, Advocate appearing for the worker and of Thiru N. G. R. Prasad, advocate appearing for the management, upon perusing the reference and other connected papers on record and the Counsel for the Workman having made an endorsement reporting no instruction, this Tribunal passed the following

AWARD

This reference has been made for adjudication of the following issue :

“Whether the action of the management of Pandyan Grama Bank in terminating the employment of Sri V. Pushpavanam is justified ? If not, what relief the concerned workman is entitled to ?”

Counsel for petitioner reported no instruction. Petitioner called absent. Claim statement not filed. Dismissed for default.

Dated this, 22nd day of March, 1999.

THIRU S. ASHOK KUMAR, Industrial Tribunal

नई दिल्ली, 30 जुलाई, 1999

का. आ. 2428.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार देना बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जयपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-7-99 को प्राप्त हुआ था।

[सं. एल-12013/113/98-आई. आर. (बी I)]

जी. राय, डेस्क अधिकारी

New Delhi, the 30th July, 1999

S.O. 2428.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jaipur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Dena Bank and their workman, which was received by the Central Government on 30-7-99.

[No. L-12013/113/98-IR(B-II)]

G. ROY, Desk Officer

अनुबन्ध

केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय,
जयपुर

के. नं. :—जे-21/99

विज्ञापित संख्या :—एल 12013/113/98 आईआर(बी-II)

उपाध्यक्ष, देना बैंक एम्प्लॉयज एसोसिएशन,

जरिए देना बैंक, अम्बाबाड़ी, जयपुर।

बनाम

महाप्रबन्धक, देना बैंक, द्वितीय तल, केल्टोन चम्बर,

18/7-8, आर्य समाज रोड, कंगोल बाग,

नई दिल्ली 110005

उपस्थित : प्रार्थी की ओर से—कोई नहीं

अप्रार्थी की ओर से—कोई नहीं

पंचाट तारीख :—15-7-99

पंचाट

केन्द्रीय सरकार के आदेश द्वारा उक्त विज्ञापित के जरिए निम्न विवाद इस अधिकरण को स्वयं निर्णयन हेतु निर्देशित किया गया है :—

“Whether the action of the management of Dena Bank to withdraw/curtail the special allowance payable to Sh. S. M. Agarwal as cashier category “A” @Rs. 298 p.m. is justified? If not, what relief the workman is entitled to and from what date?”

निर्देश आदेश दिनांक 7-6-99 को प्राप्त हुआ, देना बैंक एम्प्लॉयज एसोसिएशन की ओर से निर्देश आदेश की

प्राप्ति के 15 दिवस के अन्दर स्टेटमेंट आफ क्लेम प्रस्तुत किया जाना था, जो नहीं किया गया, देना बैंक एम्प्लॉयज एसोसिएशन के उपाध्यक्ष की पंजीकृत डाक से नोटिस भेजा गया कि वे दिनांक 15-7-99 को क्लेम प्रस्तुत करें, एसोसिएशन की ओर से न तो कोई उपस्थित आया न ही स्टेटमेंट आफ क्लेम प्रस्तुत किया गया जिससे ऐसा प्रतीत होता है कि एसोसिएशन की क्लेम फाइल करने में कोई रुचि नहीं है, इन परिस्थितियों में विवाद रहित पंचाट पारित किया जाता है, पंचाट की प्रतिलिपि केन्द्रीय सरकार को औद्योगिक विवाद अधिनियम 1947 की धारा 17(1) के अन्तर्गत प्रकाशनार्थ प्रेषित की जाए।

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पीठासीन अधिकारी

नई दिल्ली, 11 अगस्त, 1999

का.आ. 2429.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कोकन रेलवे कारपोरेशन लिमिटेड के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-08-99 को प्राप्त हुआ था।

[सं. एल.-41012/222/97-आई आर. (बी.-I)]

जी. राय, डेस्क अधिकारी

New Delhi, the 11th August, 1999

S.O. 2429.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Konkan Rly. Corpn. Ltd. and their workman, which was received by the Central Government on 10-8-99.

[No. L-41012/222/97-IR(B-I)]

G. ROY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL
TRIBUNAL NO. 1, MUMBAI

Present :

Shri Justice C. V. Govardhan, Presiding
Officer.

REFERENCE NO. CGIT-1/16 OF 1998

Parties :

Employers in relation to the management of
Chief Engineer (South), Konkan Railway
Corpn. Ltd. Ratnagiri.

AND

Their Workmen

Appearances :

For the Management : Shri R. V. Samant,
Advocate.

For the Workman : Shri J. P. Sawant, Advocate.

STATE : Maharashtra

Mumbai, dated the 23rd day of July, 1999

AWARD

1. The Central Govt. by its order dt. 19-5-90 has referred the following dispute between the Employers in relation to the management of Chief Engineer (South) Konkan Railway Corporation Ltd., Ratnagiri and their workman for adjudication by this Tribunal :

“Whether the action of the Chief Engineer (South), Konkan Railway Corporation Ltd., Ratnagiri in terminating the service of Shri Buddhibal P. Rana Line Peon w.e.f. 14-12-94 is legal and justified ? If not, to what relief the workman is entitled for?”

2. The averments in the Claim statement are as follows : The workman was employed by the Chief Engineer (South), Konkan Railway Corporation Ltd. Ratnagiri in the post of 'Line Peon' w.e.f. 4-4-91. He was in continuous employment till the date of his termination namely 14-12-1994. The workman was paid wages of 30/- rupees per day for first six months. Then he was paid @ Rs. 1000/- p.m. for the next six months. His pay was subsequently fixed in the regular pay scale of Rs. 750-940 on and from 13-4-92. He was granted annual increment on 1-4-93, all of a sudden on a charge of unsatisfactory service his services were terminated on 14-12-94. The workman has therefore, raised this dispute. The action of the management in terminating his service is illegal and unjustified. The workman is entitled to an order of reinstatement with all attendant benefits, compensation and cost.

2. The employer in their written statement contends as follows : The workman was appointed as Line Peon on 4-1-91 on the wages of Rs. 30/- per day. It was for a specific period expiring on 3-10-1991. The workman accepted the said appointment as per the terms and conditions of the letter of appointment. He was offered an appointment to the same post in the grade of 750-940 purely on contract basis, initially for a period of one year which could be extended for further period of 3 to 4 years if the services of the workman were found satisfactory. This employment is also on contract basis. The workman had accepted the appointment. His contract period was extended upto 12-3-1994, then upto 12-4-95. The contract letters stated that the service of the workman are liable to be terminated during the contract period and extended period by giving one month's notice by either side. It further states that a workman is not entitled to any lien. The workman's work was not satisfactory. He has been given oral warning several times; but he did not improve. Therefore, the employer issued a notice of termination dt. 14-12-1994 terminating the service w.e.f. 13-1-1995. The workman was bound by the contract letters, Office orders, Rules and regulations of the employer Corporation. He is not entitled to any relief. The application is liable to be dismissed.

3. The workman filed rejoinder stating that the charges levelled against him are baseless, motivated and not true.

4. The following Issues are framed :

- (i) Whether the workman was governed and bound by appointment letter dt. 4-4-91 and Office Order No. 01 of 93 dt. 22-7-93 and Office Order No. 04 of 94 dt. 26-4-94 ?
- (ii) Whether the workman was in continuous employment of Konkan Railway Corporation Ltd. as contemplated under the I.D. Act, 1947 ?
- (iii) Whether the management complied with provisions made under the Konkan Railway Corpn. Ltd. Discipline and Appeal Rules, 1992 ?
- (iv) Whether the principles of natural justices are violated by terminating the services of the workman vide notice dt. 14-12-1994?
- (v) What Orders ?

Issue No. 1 : The workman was appointed w.e.f. 4-4-91 by means of a letter of appointment upto 3-10-91 and subsequently he was appointed again on 22-7-93 for a period of one year and on 26-4-94 for a further period of one more year. All these letters stipulated his appointment is purely for specific period and his services are liable to be terminated within one months notice, during the contract period or extended period. The workman has been examined before this tribunal. He has stated that he has secured employment on his application and he was appointed by a letter dt. 4-4-91 and that he has accepted the terms and conditions of the appointment letter. According to the workman it is correct to say that his appointment was for a specific period from 4-4-91 to 3-10-91 and it was extended by a letter dt. 30-4-92 and he has accepted the terms and conditions of service in the said letter also. Here again, the workman has admitted that his appointment was on contract basis. He has also stated that his service period was extended for one year by an office order 1.1 dt. 22-7-93 and he has accepted the terms and conditions of the said Office order. It is further admitted by him that when his service was extended for a further period of one year by office order 04 dt. 26-4-94 he had accepted their terms and conditions. On the above evidence of the workman it is seen that the workman has accepted the terms and conditions under which he was appointed on Contract basis by the management. Therefore, Issue No. 1 is answered that the workman was governed by the appointment letters dt. 4-4-91, 22-7-93 and 26-4-94.

Issue No. 2 : According to the workman he was in continuous employment from 4-1-91 till the date of his termination of his services by the management w.e.f. 14-12-91. There is no cross examination on this aspect. The witness examined on behalf of the management has stated during cross-examination that the service of the workman were never discontinued from the date of appointment till the date of termination. He was appointed on 4-4-91 and his services were terminated on 14-12-94. is not in dispute. The

workman has been in continuous service for more than 240 days in each calendar year. It is established by the evidence of the 2 witnesses examined before this Tribunal. I, therefore, hold on Issue No. 2 that the workman was in continuous employment of Konkan Railway as contemplated under the I.D. Act.

Issue No. 3 & 4 : The workman entered the service of the Konkan Railway on 04-4-91 on contract basis initially for a period of six months and it was extended periodically till his services were terminated on 14-12-94 is not in dispute. The learned counsel appearing for the workman Mr. J. P. Sawant has argued that the workman herein is to be considered as an employee of Konkan Railway since as per the definition of the word "employee" in Konkan Railway Corp. Ltd., Discipline and Appeal Rules, "Employee" means a person in the employment of the undertaking other than the Casual, work charged or contingent staff but includes the person on deputation to the Corporation. The workman herein is not a casual since he has been appointed in the pay scale of 750-940 which is the pay scale of permanent employee of 'D' group in Konkan Railway. The appointment letters under Ex. M-2 dt. 30-4-94 contemplate that the worker is entitled to other allowances admissible to the contractual appointees under the rules of the Corporation and he is also eligible for travelling allowance, medical reimbursement and leave as per the existing rules of the Corporation. The said appointment letter also is to the effect that the worker is governed by the Disciplinary, Conduct and other rules as applicable to employees of the Corporation. Therefore, the workman has to be considered as an employee of the Konkan Railway. It is further fortified by the admission of the witness examined on behalf of the management that the workman was appointed on merit at the first instance and he was also granted increments and he was also a member of the PF of the Konkan Railway. The management witness has also admitted that the pay scales given to the workman in the group 'D' employees are on the line of pay commissions and are revised from time to time. When the evidence of management witness is also considered we have to hold that the workman was appointed by the Chief Engineer, Konkan Railway, in the post of Line Peon and he was holding the said post as an employee till termination. The contention of the management is that the workman was appointed only on contract basis for limited period and therefore, his services could be terminated without complying the provisions of Section 25-F of the I.D. Act. MW-1 also has given evidence only to that effect. Now we have to see whether the said contention of the management is a tenable one. The termination letter dt. 14-12-94 reads that "one month's notice is served hereby w.e.f. 14-12-94 terminating your services as your service is not satisfactory." The Konkan Railway Corporation Discipline and Appeal Rules which gives a list of misconduct in Rule No. 5 does not say that "not satisfactory" is misconduct. Rule 10(1) of the said rules stipulates that no order imposing any of the major penalties specified in clause f, g, h and i of Rule 8 shall be made except after an enquiry is held in accordance with this rule. Terminating an employee from service is a major penalty as per rule 8(h). In the present case there was no

enquiry. The question before us is whether terminating the service of the workman without an enquiry as contemplated under Rule 10(1) is proper. The learned counsel appearing for the management Mr. Sawant has argued that the appointment of a workman herein is an Ad-hoc appointment for a limited period and his appointment comes to an end at the expiry of the period and he has no right to be regularised and refers to the decision reported in 1993 I LLJ page 190 between Director, Institute of Management Development, U.P. and Pushpa Srivastav. In the case on hand the workman does not make a demand for regularising his services, he has challenged the termination before complying the provisions of Section 25-F of the I.D. Act. Further, the termination is not by virtue of efflux of time but on the ground his services were not satisfactory. The management witness has stated that the workman was never issued any letter complaining about his work. The appointment letters reads that they are for a particular period provided his work is satisfactory and his services could be terminated by issuing a one month's notice if the services are not satisfactory. Till termination, he was in continuous service and he was also given one increment. In the above circumstances, the allegation that the services of the workman was not satisfactory is not convincing and acceptable. The learned counsel has also relied upon the decision reported in 1993 I LLJ page 240 between Unit Trust of India & Ors. and T. Bijay Kumar & Anr. in support of his contention that for unsatisfactory performance during probation period, service of workman should be terminated. In the reported case the impugned order has not shown anything which would amount to a stigma. In the present case, the impugned order specifically states that his services are terminated as not satisfactory. It is a stigma, further, the employee herein was not on probation. Therefore, the above ruling is not applicable to the facts of the case. According to the learned counsel appearing for the management regularisation cannot be made as a rule of thumb, merely on the basis of completion of certain years of service by an employee. In the case on hand the relief sought for by the employee is not regularisation. He wants the order terminating him from service after putting nearly 4 years of continuous service without complying the provisions of the I.D. Act, to be set aside. By putting continuous service of 240 days in a calendar year, the workman herein has earned the right to be made permanent, but instead of that his services were terminated. The Konkan Railway being a instrumentality of the Government, an employee of the same cannot be terminated on the ground that the workman herein is bound by the contract which is a clause that is binding for a specific period. In the decision reported in 1988 II LLJ page 534 between Modern Food Industries Vs. M. D. Juvekar the Gujarat High Court has held that if the Contract or a clause in a contract is a result of the weaker bargain power of the employee who, being jobless has no option but to accept the terms on which the job is offered, such a contract or clause in the contract can only be regarded as unreasonable, unconscionable, unfair and lacking in mutuality and therefore, opposed to public policy within the meaning of Section 23 of the Contract Act. The above ruling would show that the employer

Konkan Railway has entered into an unreasonable and unfair contract with the workman herein which is an opposed public policy and wants to take advantage of the same for terminating the service of the workman. The same cannot be approved. It is further fortified by the evidence of the management witness who has admitted that even now there are a number of Line Peons under the management of Konkan Railway. This admission would show that the appointment given to the workman herein is not one which comes to an end on account of the completion of the work for which he was appointed. In other words it is not work oriented appointment. There is no justification for terminating the service of the workman who has put in more than 4 years of continuous service when the job for which he was appointed is still existing and was done by other workman who are said to be juniors to the workman herein. It cannot be considered as a clause coming under Section 2(oo)(bb) of the I.D. Act. Therefore, the termination of service of the workman comes squarely under the definition of the word "retrenchment". It was done without complying with the provisions of the Section 25-F of the I.D. Act. In that view I am of opinion that management has not complied with the provisions made under the Konkan Railway Corporation Ltd. Discipline and Appeal Rules 1992 and the principle of natural justice are violated by terminating the services of the workman as per the notice dt. 14-12-94. I hold on issue No. 3 & 4 accordingly.

Issue No. 5 : In view of my findings on Issue No. 1 to 4 I hold on this issue that the workman is entitled to an order of reinstatement with continuity of service, back wages and other benefits.

In the result, an Award is passed holding that the termination of the service of Shri Buddhipal P. Rana, Line Peon w.e.f. 14-12-94 is neither legal nor justified and therefore, he is entitled to an order of reinstatement with back wages and continuity of service and other benefits.

Award passed accordingly.

C. V. GOVARDHAN, Presiding Officer

नई दिल्ली, 3 अगस्त, 1999

का.आ. 2430.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विशाखापट्टनम पोर्ट ट्रस्ट के प्रबन्धन के संबंध निम्नलिखित और उनके कर्मचारियों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में औद्योगिक अधिकरण, विशाखापट्टनम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-8-99 को प्राप्त हुआ था।

[सं. एल.-34011/10/96-आई.आर. (विविध)]
बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 3rd August, 1999

S.O. 2430.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Visakhapatnam as shown in the

Annexure, in the industrial dispute between the employers in relation to the management of Visakhapatnam Port Trust and their workman, which was received by the Central Government on 02-8-99.

[No. L-34011/10/96-IR(Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

IN THE COURT OF INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, VISAKHAPATNAM

PRESENT:

Sri C. Sambasiva Rao, M.A., B.L., Chairman & Presiding Officer.

Monday, the 21st day of June, 1999

I.T.I.D. (C) No. 1/97

BETWEEN

The General Secretary,
Port & Dock Employees Association,
D. No. 14-25-32A, Dandu Bazar,
Maharanipeta,
Visakhapatnam-530 002.

.. Workman.

AND

The Chairman,
Visakhapatnam Port Trust,
Visakhapatnam.

This dispute coming on for final hearing before me referred by Govt. of India, Ministry of Labour vide reference No. L-34011/10/96-IR(M) dated 27-12-96 in the presence of the workman in person and the management in person, upon hearing the arguments of both sides and on perusing the entire material on record, the court passed the following :

AWARD

(1) This is a reference made by the Government of India under Sec. 10 of the Industrial Disputes Act referred to this Tribunal for adjudication which framed the terms of reference as under:

"Whether the action of the management of Visakhapatnam Port Trust by not paying the Productivity Linked Bonus/Performance reward on old scales is justified? If not, to what relief the concerned workmen are entitled to?"

(2) The claim statement of the petitioner is the following effect. The trade union is a registered union vide Regd. No. D-3/70. Most of the workers who are members of the petitioner union, were denied payment of Productivity Linked Bonus/Performance Reward for the year 1993-94 on the plea that they have crossed the ceiling limit of Rs. 4,500 after implementation of revised scales. The management is paying productivity linked bonus/performance reward, every year, based on the overall productivity of all the ports. The Ministry of Surface Transport vide their letter No. EB 12015/4/94-I.I, dt. 24-10-1994, issued orders for payment of 20% of salary as productivity linked bonus/

performance reward calculated as if the salary or wage is Rs. 1600 p.m. Accordingly, the port trust paid P.L.B./P.R. by deducting 8.33% as advance paid already in old scales as Agreements was reached only on 6-12-94. The Government of India enhanced the limit of Rs. 1600 to Rs. 2500 in 1994 vide letter dated 9-6-94. The management paid the difference of amount to the employees by taking into account the ceiling limit of Rs. 4500 in the new scales as the new scales came into effect from 1-1-95, after signing of wage revision agreement on 6-12-94, which is not justified as the advance of P.L.B. was paid to the employees on old scales. This is against Art. 14 & 16 of the Constitution. In the wage revision agreement reached between the Federation of India Ports & Dock Labour Boards and Central Government, the Central Government have categorically agreed that the productivity linked bonus paid to the employees/workers on the basis of old scales for the year 1993-94 will not be recovered after implementation of new scales. The advance was paid in the middle of 1994 and the new scales were w.e.f. 1-1-95 and the final payment based on the percentage of determined was made on new scales. It is specific mention in the wage Agreement to the effect that the Productivity Linked Bonus paid for the year 1993-94 will not be recovered even after implementation of new scales. This is nothing but a safeguard provided by the Government to the workers whose salary exceeded Rs. 4500 in a month after effecting new scales, since they were already paid advance in lieu of payment of PLB/P.R. for the year 1993-94. The new scales have been effective from 1-1-93. The ceiling limit of Rs. 4500 was removed by the Government and all the Class-I to Class IV employees are paid productivity linked bonus/performance reward without any restrictions. The action of the management is highly unjust and unreasonable. Hence the workmen prayed for the relief of Payment of productivity linked bonus/performance reward on old scales.

3. For that the management filed rejoinder. It is submitted that the petitioner should establish the membership of their union consists of more than 2000 workers/employees in VPT. The Payment of Bonus Act is not applicable to VPT, but ex-gratia in lieu of bonus is being paid to the workers/employees and the government also fixed the ceiling limit at Rs. 4,500, so the persons who have crossed the ceiling of limit is not eligible for payment of ex-gratia. The Productivity linked bonus is already paid for the year 1993-94 as per the Government Orders. In the month of October, 1994 was calculated on the salary of Rs. 1600 per month and payment was made as per the enhanced ceiling limit from Rs. 1600 to Rs. 2500 p.m. In respect of CI-III and IV employees their pay was revised and the difference was also paid which is applicable from 1-1-93. The ceiling limit of Rs. 4500 was observed in the revised scales to all the employees. Whatever was done by the management is in accordance with the directions issued by the Ministry only. Care was taken by the management having regard to the revision in the pay scales of CI-III and Class IV employees, payment is made to the eligible employees. It is submitted that the removal of ceiling limit cannot have retrospective effect in respect of payment of productivity linked bonus/performance reward for the year 1993-94. The action taken by the management was in accordance

with the directions given by the Government. Hence, the petitioners are not entitled to any benefits.

(4) The point for consideration is :

"Whether the non-payment of productivity linked bonus/performance reward on old scales is justified in respect of those employees who are drawing more than Rs. 4500 per month under the new scales ?

(5) As could be seen from written arguments submitted on the lines of the claim petition on 6-12-94, the terms of settlement was arrived at subsequent to 1993-94 the ceiling limit of Rs. 4,500 under which bonus was in case of employees/workmen who are drawing more than that pay was not followed subsequent to the year 1993-94 obviously by virtue of this agreement they are since relying. Earlier to that the scheme was those employees who were getting less than Rs. 4,500 only were paid any ex-gratia or bonus. The new pay scales with regard to class-III and C-IV employees who are obviously drawing less than that amount were being paid bonus or ex-gratia on the case may be. Under the old scales of Rs. 1600 p.m. the bonus or reward worked out which later revised to Rs. 2,500. So those employees whose scales were fixed even prior to the agreement namely Class-III and C-IV employees were already paid the bonus or performance reward. But by virtue of the agreement alone such a benefit was confirmed to all those employees in respect of their pay scales exceeding the scale of Rs. 4,500 per month. Out of consideration to its employees the amount which was already paid to those class of employees were not recovered as it would cause difficulty to the means of livelihood when lesser wages are received by those employees. Though the pay scales were revised on 1-1-93 only by virtue of subsequent policy decision under the agreement the ceiling limit of salary was removed. But for that subsequent decision under the agreement between the management and the employees which was approved by the Central Government and directed the Public Enterprises like Visakhapatnam Port Trust to follow that agreement to give effect to that agreement by follow up action, the amount is paid, removing the ceiling limit. So there is a reasonable distinction between the types of employees under the old system which was removed subsequently by agreement. The recommendations of the Government even as per the claim of the workmen/employees did not give a specific direction to pay bonus to those who are drawing above Rs. 4,500, bonus/reward right from 1-1-93 from which date new scales came into effect. As a matter of fact the circular issued on 24-10-94 which is in the records mentions that performance reward but not bonus. By virtue of Payment of Minimum Bonus under the Payment of Bonus Act, 1965 under Sec. 10 that every employer shall be bound to pay to every employee in respect of the accounting year commencing on any day in the year 1979 and in respect of every subsequent accounting year, a minimum bonus which shall be 8.33 per cent of the salary or wage earned by the employee during the accounting year or one hundred rupees, whichever is higher whether or not the employer has any allocable surplus in the accounting year.

Under Sec. 20. Applicability of Act to establishments in public sector in certain cases before applying the principles of bonus to public sector undertakings the income or sale of service or both should be not less than 20 per cent of gross income of the establishment in public sector for that year. Then only the provisions of this Act shall apply in relation to such establishment in public sector as they apply in relation to like establishment in private sector.

Admittedly in this case it is a public sector undertaking there is no plea of earning 20 per cent profit as contemplated under Sec. 20 of the Payment of Bonus Act, 1965, even the agreement which is filed along with the written arguments do not mention the payment as bonus. So the violation of statutory rule cannot be said to have been made by the respondent management in this case. So on that point also there is no tenable ground in the contentions of the workmen/employees represented by the union to claim the amount.

(6) In the result, the award is passed nil and against the employees represented by the trade union. In the circumstances of the case there shall be no order as to costs. The reference is answered accordingly, against the workmen or employees.

Dictated to steno transcribed by her given under my hand and seal of the court this the 21st day of June, 1999.

SRI S. SAMBASIVA RAO, Presiding Officer
APPENDIX OF EVIDENCE IN ITID(C)/97

WITNESSES EXAMINED :

For Workman—None for Management—None.

DOCUMENTS MARKED

For Workman—Nil For Management—Nil.

नई दिल्ली, 3 अगस्त, 1999

का.अ. 2431:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. एस. के. पी. एण्ड. कं. के प्रवर्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 02-08-99 को प्राप्त हुआ था।

[सं. एल.-31012/21/97-आई.आर. (विविध)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 3rd August, 1999

S.O. 2431.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of The Managing Partner, M/s. S. K. Paul & Co. (CHA) and their workmen which was received by the Central Government on 02-08-99.

[No L-31012/21/97/IR(Misc.)]

B. M. DAVID Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. II MUMBAI

PRESENT:

Shri S. B. Panse Presiding Officer.

Reference No. CGIT-80 of 1998

Employers in relation to the management of the
Managing Partner

M/s. S. K. Paul & Co. (CHA).

AND

Their Workmen

APPEARANCES:

For the employer—Mr. M. B. Anchan Advocate.

For the Workmen—Mr. S. R. Wagh Advocate.
Mumbai, dated 14th July, 1999.

AWARD

The Government of India, Ministry of Labour by its Order No. L-31012/21/97/IR(M) dtd. 15-6-98, had referred to the following Industrial Dispute for adjudication:

“Whether the action of the management, M/s. S. K. Paul & Co. by terminating the service of the workman Shri Dinkar Shankar Sutar, peon w.e.f. 3-11-96 is justifiable. If not, what relief the workman is entitled to?”

2. The Transport and Dock workers union, Mumbai filed a statement of claim at Exhibit-5. It contended that Dinkar Shankar Sutar (hereinafter referred to as the workman) was appointed as a peon in M/s. S. K. Paul & Co., (CHA) (hereinafter referred to as the management). The management conducts its business as custom house agents at major ports of Bombay. The Union pleaded that the workman who was in continuous service from August '92 was terminated by the management on 29-11-96. While orally terminating his services no reasons were given nor any procedure was followed which is illegal.

3. The union pleaded that the workman was always asked by the company to do the duties beyond duty hours. He was asked to do the duties outside the office but was not paid conveyance expenses. Whenever the workman protested for all these things he was threatened with termination of service. The workman was not keeping good health. On 10th November '96 he personally informed the Manager that he will not be able to attend the office due to ill health for couple of days. He could not attend the duties for 11-11-96 to 29-11-96. In the mean time his brother and other relatives informed the company regarding his sickness. On 30-11-96 he came to the office alongwith the medical certificate to join the duties but he was orally told that his services are terminated. It is averred that since then he could not attend the duties. For all these reasons it is prayed that he may be reinstated in service in continuity alongwith back wages.

4. The management resisted the claim by the Written Statement (Exhibit-8). It is averred that the workman concerned was in employment of M/s. S. K. Paul & Co., since 27th October '92 as a peon and worked with the company till 8th August '95, on which date his services were terminated for his rude and indecent behaviour. The Transport and Dock workers union raised an industrial dispute and the Assistant Labour Commissioner asked the management to pay him compensation which the company agreed. Thereafter Rame the unions leader approached the management and requested that as the workman is handicapped a sympathetic view should be taken in the matter and he may be reinstated. The workman also gave an written appology. Thereafter he was taken into the service on 19-1-96.

5. The management pleaded that after reinstatement in service the workman continued to behave arrogantly. He did not improve his behaviour. He was warned on several occasions. He did not report to the duties for about 20 days without any information. It is therefore the management was left with no option but to simply terminate his services w.e.f. 30-11-96.

6. The management pleaded that all other allegations made against the company by the workmen are incorrect. They are false. The management gives its employees all the facilities which they are entitled with some additional facilities. It is averred that the behaviour of the workman is nuisance to the management and the other employees. It is submitted that under such circumstances the action of the management in terminating the services of the workman is legal and justified and the workman is not entitled to any of the reliefs.

7. The union filed a rejoinder at Exhibit-9. It reiterated the contentions taken in the statement of claim. He denied that the company was not informed regarding his ill health and reason for remaining absent. It is averred that the workman never behaved rudely with anybody. It is denied that his behaviour is troublesome.

8. The issues that fall for my consideration and my findings there on are as follows :—

Issues	Findings
1. Whether it is proved that the company did not comply with the provisions of the retrenchment before terminating the services of the workman?	Yes.
2. Whether the action of the management in terminating the services of the workman Sutar, peon, w.e.f. 30-11-96 is justified ?	No.
3. If not, what relief the workman is entitled to ?	As per order below.

REASONS

9. Dinkar Shankar Sutar (Exhibit-12) affirmed that he was employed as a peon with M/s. S. K. Paul & Co., from August '92 to 29-11-96 and his services were abruptly terminated w.e.f. 30-11-96. He affirmed that due to the sickness between 11-11-96 to 29-11-96 he could not attend the duties which was informed to the Manager. On 11-11-96 when he went on leave he informed the management regarding his ill health. His relatives also informed the management regarding his sickness. He went to the office alongwith the medical certificates (Exhibit-11|1) on 30-11-96 but instead of allowing him to join the duties he was terminated.

10. In the cross examination there is nothing to show that while he was terminated no retrenchment compensation was given to him or in other words his termination is as per the provisions of the Industrial Disputes Act of 1947.

11. Nitin Ajwani (Exhibit-15) who is the Accounts and Finance Manager of the company does not depose that while terminating the services of the workman any provisions of the Act were followed. It is not in dispute that no domestic inquiry was conducted against the workman while terminating his services. In other words it has to be said that while terminating the services the company did not follow the provisions of the Act.

12. Mr. Anchan, the Learned Advocate for the management while cross examining the worker, leading evidence on behalf of the management and also in the written argument tried to make out a case that the workman was not in employment of M/s. S. K. Paul & Co. But was in the employment of M/s. SKP Enterprises. At the outset it must be said that this contention appears to be wrong. In the written statement (Exhibit-8) there is no such contention. It can be further seen that before the Assistant Labour Commissioner M/s. S. K. Paul & Co. have not taken this stand. On the contrary the letter which is written by Ajwani to the Assistant Labour Commissioner dtd. 2-11-95 (Exhibit-13|5) clearly suggests that the workman is an employee of M/s. S. K. Paul & Co. In this letter itself the company had informed the Labour Commissioner that as per their directions they were agreed to pay the compensation to the workmen. This letter relates to the earlier dispute which was raised by the workman. If really he would not have been the employee of the company then Nitin Ajwani the witness before the court should have not written this letter. They would have taken the stand that he is not an employee of the company but is the employee of M/s. S.K.P. Enterprises, therefore find that the stand which is taken by the management now and the evidence which they tried to produce on the record cannot be said to be helpful to them.

13. The workman in his cross examination admits that he was appointed as a peon with M/s. SKP Enterprises in August '92. M/s. SKP Enterprises and M/s. S. K. Paul & Co. are two different cases. Nitin Ajwani (Exhibit-15) affirm that the salary of the workman was paid by M/s. SKP Enterprises. He produced extracts of salary registers at Exhibit-14|1 & 2.

Salary extract of July '93 shows that the workman is an employee of SKP Enterprises. If that is so how the company had not taken that stand before the Labour Commissioner in the earlier proceedings. Therefore it has to be said that now the record which is tried to be brought before this Tribunal cannot be said to be a proper record, or that these two companies are different for the record sake. Ajwani admits that S. K. Paul & SKP Enterprises worked from the same table. Exhibit-13/1 is a service certificate issued to Sutar by SK Paul & Co. dtd. 28-6-94. It is signed by Bhaskar Bose. This shows that he is a peon of S. K. Paul & Co. The management had produced the photocopy of the letter alleged to be addressed to the Presiding Officer of this court by Bhaskar Bose dtd. 9-2-99 wherein he inform the court that the letter bears his signature but the contents which were written in Marathi were not known to him and he does not accept it. But Bose, is not examined in this Tribunal.

14. Apoorva Mehta (Exhibit-17) who works with M/s. Navin Enterprises and looks after the accounts and administrative work. He deposed that M/s. SK Paul Enterprises, Navin Enterprises & SK Paul & Co. are group of companies. He looks after the administrative and accounts of these companies. From his testimony the management wants to prove that as his salaries are paid from the accounts of M/s. S. K. Paul Enterprises the workman is an employee of that company and not that of M/s. S. K. Paul & Co. He accepts that the management is one and the same for all these group of companies. Mr. Luthra Sitaram is the Senior Partner for all these companies. He accepts that they had asked Bhaskar Bose to write this letter to the Tribunal which he wrote dtd. 9-2-99 (Exhibit-14/pg. 38). I have already discussed in respect of this letter above. He does not know if any license is taken by SKP Enterprises to supply labourers and other under the Contract Labour Abolition and Regulation Act of 1971. From the testimony of Ajwani, Mehta, the documents on the record which I have already discussed above, and the stand taken by SK Paul & Co. in the earlier proceedings and the written statement which is filed before this Tribunal, I am not inclined to accept that workman is an employee of M/s. SK Paul Enterprises. The admission of the workman is to be excluded in view of the other circumstances which I have discussed above. For all these reasons I record my findings on the issues accordingly and pass the following order:—

ORDER

The action of the management in terminating the services of the workman Sutar (peon) w.c.f. 30-11-96 is not justified.

The management is directed to reinstate the workman in service.

He is to be treated in continuous service.

The management is directed to pay him back wages from 30-11-96.

S. B. PANSE, Presiding Officer

नई दिल्ली, 3 अगस्त, 1999

का.आ. 2432 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मुम्बई पोर्ट ट्रस्ट के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं.-2, मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-8-99 को प्राप्त हुआ था।

[स. एल.-31012/19/97-आई.आर. (विविध)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 3rd August, 1999

S.O. 2432.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Mumbai Port Trust, and their workmen, which was received by the Central Government on 02/08/99.

[No. L-31012/19/IR(Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. II, MUMBAI

PRESENT :

Shri S. B. Panse.—Presiding Officer.

Reference No. CGIT-2/41 of 1998.

Employers in relation to the Management of
Mumbai Port Trust.

AND

Their Workmen.

APPEARANCES :

For the Employer.—Mr. M. B. Anchan Advocate.

For the Workmen.—Mr. S. S. Chaubal, Advocate.

Mumbai, dated 15th July, 1999.

AWARD-PART-I

The Government of India, Ministry of Labour by its Order No. L-31012/19/97/IR(M) dated 2-4-1998, had referred to the following Industrial Dispute for adjudication :

"Whether the termination of services of Shri Bhargav Govind Kajrolkar, by way of compulsory retirement by the management of Mumbai Port Trust, Mumbai is justified? If not, to what relief the workman is entitled to?"

2. Bhargav G. Kajrolkar (herein after referred to as the workman) in his statement of claim (Ex-8) contended that at a relevant time he was working

as a senior Dresser with the Mumbai Port Trust (hereinafter called as a company).

3. The workman averred that he was served with a chargesheet dated 29-6-93. It is alleged that he misbehaved with a lady patient and thus committed a misconduct under Regulation III of BPT Employees (Conduct) Regulations 1976, and referred himself liable to be proceeded departmentally for a major penalty under Regulations-8 & 12 of BPT Employees (Classification) control and Appeal (Regulations) of 1976. He replied to the said chargesheet denying the charges. The domestic inquiry was conducted against him.

4. The workman pleaded that the inquiry which was conducted against him was against the Principles of Natural Justice because the chargesheet was vague, that the copies of the documents were not supplied to the workman that the material witnesses were withheld by the management and that no proper opportunity was given to the workman. It is submitted that the inquiry report is not based on the evidence, the material contradictions which were brought on the record were not considered by the inquiry officer. His findings are perverse.

5. The workman averred that the action which is taken by the company is not in good faith. The workman's service record is good while awarding the punishment, it was never considered. The penalty which is imposed is grave one. For all these reasons it is submitted that the action which is taken by the company may be set aside, he may be reinstated in service in continuity with full back wages and other reliefs.

6. The management/company resisted the claim by the written statement (Exhibit-9). It is averred that the inquiry which was conducted against the workman was as per the Principles of Natural Justice and the findings of the inquiry officer are well reasoned. It denied all allegations in respect of the domestic inquiry and the inquiry report. It asserted that the punishment which is awarded is perfectly legal and proper and the workman is not entitled to any of the reliefs as claimed.

7. The workman filed a Rejoinder at Exhibit-10. He reiterated the contentions taken in the Statement of Claim and denied the contentions of the company which is taken in the written statement.

8. Issues are framed at Exhibit-11. Issues Nos. 1 & 2 are treated as preliminary issues. The issues and my findings thereon are as follows :—

Issues	Findings
1. Whether the domestic inquiry which was held against the workman was against the Principles of Natural Justice?	No.
2. Whether the findings of the inquiry officer are perverse?	No.

REASONS

9. Bhargav Govind Kajrolkar filed his affidavit by way of Examination-in-Chief at Exhibit-14 on

14-1-99. Thereafter the matter was adjourned for cross-examination of the workman on several occasions. It is at his instance. Ultimately he did not produce himself for cross-examination. It is therefore on 13-4-99 an order was passed, to the effect that the workman absent, his advocate absent, advocate for the workman present and under such circumstances no cross-examination could be taken. In other words as the workman did not offer himself for cross-examination the affidavit which is filed by him at Exhibit-14 cannot be considered. There is no evidence to show that the inquiry which was conducted against the workman was against the Principles of Natural Justice.

10. Vijaykumar Vasant Fowdwal (Exhibit-16), the Administrative Officer, Medical Department, Mumbai Port Trust, lead oral evidence on behalf of the management. He affirmed that the inquiry which was conducted against the workman was as per the Principles of Natural Justice. There is no cross-examination on behalf of the workman. There is no reason why his testimony should be rejected.

11. After perusal of the documents which are at Exhibit-12 filed by the workman and at Exhibit-13 filed by the management, I find that the inquiry which was conducted against the workman was as per the Principles of Natural Justice. It can be further seen from the documents on the record that the inquiry officer's report (Ex-13/5) is well reasoned. He had considered the evidence of management witnesses and that of the workman. I do not find any illegality in appreciation of the evidence. He has also analysed the arguments advanced before him by the parties. For all these reasons I find that the findings of the inquiry officer is well reasoned and not perverse. In the result I pass the following order :

ORDER

The domestic inquiry which was conducted against the workman was as per the Principles of Natural Justice.

The findings of the inquiry officer are not perverse.

S. B. PANSE, Presiding Officer

नई दिल्ली, 4 अगस्त, 1999

का.आ. 2433 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में. जे. एन. वैक्सो एन्ड कं. के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, चिन्ई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-8-99 को प्राप्त हुआ था।

[सं.एल.-33011/2/93-आई.आर. (विधि)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 4th August, 1999

S.O. 2433.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947); the Central Government hereby publishes the Award of the Industrial Tribunal,

Chennai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. J. N. Baxi & Co., and their workman, which was received by the Central Government on the 4-8-99.

[No. L-33011/2/93-IR(Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL TAMIL NADU CHENNAI

Thursday, the 27th day of May, 1999

PRESENT :

Thiru S. Ashok Kumar, M.Sc., B.L., Industrial Tribunal.

INDUSTRIAL DISPUTE NO. 165/1994

(In the matter of the dispute for adjudication under section 10(1)(d) of the Industrial Disputes Act, 1947 between the workmen and the management of M/s. J. N. Baxi & Co., 37, Rajaji Salai, Madras-1)

BETWEEN

The Worker Smt. Kamatchi, No. 1-A, Velayudhan Pandian St., Madras-21.

AND

M/s. J. N. Baxi & Co., 37 Rajaji Salai, Madras-1.

REFERENCE :

Order No. L-33011/2/95-JR(Misc.) dated 1/3-2-94, Ministry of Labour, Government of India, New Delhi.

This dispute coming on for final hearing on Thursday, the 15th day of April, 1999, upon perusing the reference, Claim and Counter Statement and all other material papers on record and upon hearing the arguments of Tvl. T. Fenn Walter and W. Fredric Castro, authorised representatives for the worker and of Thiru L. Raju Advocate appearing for the Management and this dispute having stood over till this date for consideration, this Tribunal made the following:

AWARD

This reference has been made for adjudication of the following issue :

"Whether the demand of the petitioner Smt. Kamatchi, for reinstatement into service w.e.f. 1-8-91 to 31-7-96 in the respondent J.N. Baxi & Co. Chennai is just, proper and legal? If so, to what relief she is entitled to?"

2. The main averments found in the claim statement filed by the petitioner are as follows :

The petitioner joined the service at the age of 30 under the respondent as Sweeper-cum-bearer in the year 1966, when the Company was situated at Thambu Chetty Street. Thereafter the Company was shifted to Rajaji Salai. The respondent has engaged in loading and unloading of materials in ships and employs about 150 persons as Clerks-cum-typists and 300 workmen in the Port. The Office consists of ground floor, first floor and second floor. The duty of the petitioner is to sweep and clean all the three floors and also work as bearer and to carry the files as ordered. After completion of work on 30-7-91 the petitioner was retrenched from service. She is entitled to work upto 60 years of age as per service Rules of the respondent. At the time of her termination, she was aged only 55 years. At the time of her termination from service the respondent obtained her left thumb impression in five blank papers. The respondent was paid a sum of Rs. 3500 on 31-7-91. The petitioner raised a dispute before the Regional Labour Commissioner, Madras regarding her non-employment and the management filed a counter stating that on the basis of her last drawn wages and length of service, they have paid gratuity at the rate of Rs. 250 p.m. for 21 years of service.

The petitioner's junior Kuppamma is still retained in service and retrenchment of the petitioner from service is contrary to Sec. 25G of the I.D. Act. The allegation that the petitioner is more than 60 years of age is totally false and baseless. At the time of her employment, the petitioner has mentioned her age as 30 only. A few months prior to her retrenchment the petitioner was paid Rs. 360 per month as wages. Since the petitioner was terminated from service on 1-8-91, it will amount to contravention of Sec. 25F and 25N of the I.D. Act. The respondent has alleged that the petitioner has attained 60 years of age on 1-8-91 and that she has been retired from service is equally illegal. The petitioner is ready and willing to undergo examination to determine her age. The petitioner is entitled to serve under the respondent upto 31-7-96, then alone she will attain 60 years of age. Kuppamma who is employed in petitioner's place is paid Rs. 1500 p.m. The retrenchment of the petitioner is unjust, illegal and improper and same is not for any reasonable cause or excuse. Petitioner prays to pass an award directing the management to reinstate the petitioner in service with back wages, continuity of service and other attendant benefits.

3. The main averments found in the counter statement filed by the respondent are as follows :

The petitioner was not a regular employee of the respondent management and her non-employment did not take place due to any over act on the part of the respondent management and hence the dispute is not maintainable in law. The petitioner was engaged only on an adhoc basis to do the work of sweeping the office premises during the morning before the commencement of the Office. Besides the respondent, the petitioner was also engaged by many other employers in that vicinity to do similar job. She was also engaged for cleaning food grains and pulses in a hotel nearby. Because of her advancing age she expressed her inability to do sweeping job and stopped on her own w.e.f. 1-8-91. As a matter of humanitarian consideration, petitioner was paid a sum of Rs. 3500 as gratuity as if she would have been paid gratuity if she had been in regular employment. The claim made before the Conciliation Officer is not under Sec. 4A of the I.D. Act, for payment of arrears for a stipulated period upto 1996. Such a claim should have been made u/s. 33(c)(2) of the I.D. Act, 1947 and not before the Conciliation Officer. Though the petitioner was not legally eligible for gratuity, she was paid Rs. 3500 on humanitarian consideration. Accepting the said payment, but suppressing the fact that she has received such payment, she preferred a claim before Controlling Authority for payment of gratuity. Satisfied with the contention of the respondent and accepting the view of the respondent that the petitioner has stopped from work on her own, the Controlling Authority passed an Order directing the respondent to pay a sum of in addition as gratuity. The respondent was inclined to obey the order of the Controlling authority. But in the mean time, the petitioner made an application to the Asst. Commissioner of Labour for payment of arrears of wages on the ground that she will be attaining age of superannuation on 31-7-96. The petitioner was never employed as Sweeper-cum-bearer as alleged. She was neither capable or competent to perform such task and she has come out with such an allegation as an after thought to sustain the dispute. On her own admission, she had completed 65 years at the time of ceasing to work for the respondent. The respondent also denies the allegation that she had signed on a blank paper at the time of her termination. The contention that the petitioner has been retrenched by the respondent is not maintainable. Respondent prays to dismiss the claim.

4. The petitioner was examined as WW1 and Ex. W1/series to W-6 have been marked. On behalf of the respondent management Thiru P. V. Narayanan, Senior Officer of the Administrative Section was examined as MW1 and Ex. M.1 to M.6 have been marked.

5. The Point for consideration is : Whether the demand of the petitioner Smt. Kamatchi for reinstatement into service from 1-8-91 till 31-7-96 in the respondent J.N. Baxi & Co. Madras is just proper and legal? If so, to what relief she is entitled to?

6. The Point : The petitioner Smt. Kamatchi was employed under the respondent/management as a Sweeper-cum-bearer and she joined in 1966. The bonus cover for 1989-90, salary cover for May 1991 and June 1991 are Ex. W-1/series.

According to the petitioner she was all of a sudden terminated from service after her work on 31-7-91. According to the respondent she herself stopped coming to work w.e.f. 1-8-91. After termination from service, the petitioner sent Ex. W-2 to W-6 letters to the Labour Commissioner (Central) claiming arrears of salary for remaining period of service, Provident Fund, Gratuity, Pension and Employees' Welfare fund. She also sent Ex. M.1 petition to the Labour Commissioner (Central) claiming payment of arrears of salary for remaining period of 5 years, provident fund, gratuity, pension and welfare fund. The counter statement filed by the respondent to the above application is Ex. M2 and the rejoinder submitted by the petitioner is Ex. M3. The reply filed by the respondent-management is Ex. M.4. The respondent has further sent Ex. M.5 letter to the Asst. Labour Commissioner (Central) stating that the petitioner Mrs. Kamatchi was not a regularly appointed person that she was engaged as a sweeper to do the cleaning job at office an hour or so in the morning and she was paid a sum of Rs. 190 p.m. and that she was also employed in other organisations in the vicinity and that she stopped on her own w.e.f. 31-7-91 since she was finding it difficult to perform the functions due to her advancing age and she was paid Rs. 3500 to cover up gratuity though strictly speaking she was not entitled to receive the same. The conciliation failure Report is Ex. M.6. Before this Tribunal, the petitioner has deposed that she was doing sweeping work and cleaning work in about 18 rooms in three floors of the respondent's office and she was also doing odd jobs like bringing tea and moving filed in the respondent management that she joined the service at the age of 20 and at the time of termination she has completed 25 years of service and her age was only 55 years and she was entitled to work upto 1996 for a period of 5 years. The contention of the respondent is that the petitioner was working for an hour or so in the morning doing sweeping work in the office of the respondent and rest of the time she used to do similar work into her companies in the vicinity and because of her old age she herself stopped from attending to work and on humanitarian consideration she was paid Rs. 3500 as ex-gratia. The version of the petitioner has not been controverted by way of cross examination. The respondent has not denied the employment of the petitioner though the respondent's contention is that she used to work for an hour or so. In Ex. W-2 to W-6 letters to the Commissioner of Labour, the petitioner has claimed arrears of salary for the rest of the period of service i.e. for 5 years. The petitioner has not claimed reinstatement. But in the claim statement she has claimed reinstatement with backwages, and other attendant benefits. Neither the petitioner nor the respondent have produced any document to prove the correct age of the petitioner. It is the duty of the petitioner to prove that she has not attained the age of retirement. The appearance of the petitioner suggests that as on date she will be more than 62 years. But at the same time it must be borne in mind, that appearance may be deceptive. The respondent has not stated either in his counter statement or in his remarks before the Conciliation Officer that the petitioner has attained the age of 60 years and therefore she was superannuated. In the counter statement as well as in the remarks submitted before the Conciliation Officer the case of the respondent is that the petitioner due to her advancing age stopped by herself from attending to work from 1-8-91. If really the petitioner has stopped from attending to work due to her old age from 1-8-91, she would not have made any claim for arrears of salary for the remaining period. Therefore, the contention of the respondent that the petitioner voluntarily stopped from attending to work is not believable. It is admitted case of the respondent that another lady is engaged in the place of the petitioner. At the time of terminating her service, the respondent has not paid any retrenchment compensation to the petitioner as required u/s 25F of the I.D. Act, 1947. Further only junior must be retrenched and not a senior person like the petitioner be retrenched and thus the respondent has violated Sec. 25A of the I.D. Act. Therefore, the petitioner is entitled for reinstatement with backwages and other attendant benefits. But even according to her own case, she attained the age of 60 in the year 1996. Therefore, the petitioner cannot be reinstated in service and instead or reinstatement, the respondent is directed to pay her the last drawn salary till 1996, the date of her retirement and other attendant benefits. Award passed. No costs.

Dated, this the 27th day of May, 1999

THIRU S. ASHOK KUMAR, Industrial Tribunal
WITNESSES EXAMINED

For Workmen : WW1 . Smt. Kamatchi.

For Management : MW1 Thiru P.V. Narayanan.

DOCUMENTS MARKED

For Worker

Ex. W1 Series : Salaries & Bonus cover for 1989-90
Salary cover from May 1991 Salary cover from
June 1991 Bonus cover.

Ex. W2 4-10-91 : Reminder sent to the Labour
Commissioner (Central).

Ex. W3 10-11-91 : Second reminder sent to the Labour
Commissioner (Central).

Ex. W4 18-12-91 : 3rd reminder sent to the Labour
Commissioner (Central).

Ex. W5 5-01-92 : 4th reminder sent to the Labour
Commissioner (Central).

Ex. W6 18-1-92 : 5th reminder and receipt given by the
respondent to the petitioner.

For Management :

Ex. M1 26-8-91 : Application for payment of gratuity
by the petitioner with Annexure Form 'N'.

Ex. M-2 15-6-92 : Counter statement filed by the res-
pondent to the above applications.

Ex. M3 13-7-92 : Reply to the above by the petitioner.

Ex. M4 22-8-92 : Remarks filed by the respondent.

Ex. M5 21-7-93 : Letter from the Respondent to Asst.
Commr. of Labour (Central), Madras.

Ex. M6 1993 : Conciliation Failure Report.

नई दिल्ली, 4 अगस्त, 1999

क्र.आ. 2434 :—औद्योगिक विवाद अधिनियम, 1947
(1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय
सरकार हल्दिया डोक कॉम्प्लेक्स के प्रबंधन के संबंध
नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट
औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण
कलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय
सरकार को 4-8-99 को प्राप्त हुआ था।

[सं.एल.-32012/10/92-आई.आर. (विविध)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 4th August, 1999

S.O. 2434.—In pursuance of Section 17 of the
Industrial Disputes Act, 1947 (14 of 1947), the Cen-
tral Government hereby publishes the Award of the
Central Government Industrial Tribunal, Calcutta as
shown in the Annexure, in the industrial dispute be-
tween the employers in relation to the management of
Haldia Dock Complex and their workman, which was
received by the Central Government on 4-8-99.

[No. L-32012/10/92-IR(Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL AT CALCUTTA

Reference No. 19 of 1993

Parties :

Employers in relation to the management of
Haldia Dock Complex

AND

Their Workmen

Present :

Mr. Justice A. K. Chakravarty, Presiding Officer.

Appearance :

On behalf of Management.—Mr. A. K. Nag, Per-
sonnel Officer, P & IR Division.On behalf of Workmen : Mr. K. R. Roy, Vice
President of the union as well as the concern-
ed workman.

STATE : West Bengal INDUSTRY : Port & Dock

AWARD

By Order No. L-32012/10/92-IR (Misc.) dated 28-1-1993 the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

“(1) Whether the action of the management of Haldia Dock Complex in effecting wage cut for the period from 8-8-91 to 12-8-91 from the salary of Sh. K. R. Roy, First Class Driver of Grab Dredger Midnapore for staging protest for not providing adequate manning in the said Grab Dredger is justified or not? If not, what relief the concerned workman is entitled to?

(2) Whether the action of the Management of Haldia Dock Complex in refusing to provide the adequate manning in the Grab Dredger Midnapore keeping in mind the observations made by the Inspecting Officer from Merchantile Marine Deptt. Calcutta and as demanded by the union, is justified or not? If not, what should be correct manning and what relief the workmen concerned are entitled to?”

2. Haldia Calcutta Port and Dock Shramik Union (in short the union) has raised this industrial dispute in respect of wage cut of the concerned workman, K. R. Roy by the management of Haldia Dock Complex.

3. Union's case, in short, is that Haldia Dock Complex is an auxiliary dock under the Calcutta Port Trust and it has number of departments for smooth and efficient function of its dock operations under the administration of the Deputy Chairman. The concerned workman K. R. Roy was working as First Class Engine Driver of the “Grab Dredger” in 1991. A “Grab Dredger” is to be operated by one Senior Driver and another Junior Driver. On 31-7-1991 Shri Roy went on leave and since then it remained inoperative as the other Driver alone could not run it. On 8-8-1991 the said Driver was granted off-duty and Shri Roy became the only Driver to run the said

Grab Dredger by himself without a helper driver. He having found it absolutely impossible to run the Grab Dredger without a helper Driver requested the Chief Engineer to provide him with another Driver. The Chief Engineer of the Dredger informed him that it was not possible to provide him with a helper Driver. He then brought the matter to the notice of the Manager, Marine Operations, Haldia Dock Complex. It is alleged that Shri Roy under the specific direction of the said Chief Engineer worked on board the vessel from 8th to 12th August 1991 for keeping the generator, pump, motor, compressor etc. operational. Thus though Shri Roy performed all maintenance job of the “Grab Dredger”, he could not run and operate the vessel from 8-1-1991 to 12-8-1991 as he was unwilling to take grave risk of operating and controlling both the main engines and number of auxiliary machines. The Manager, Marine Operations thereafter held a meeting with the Chief Engineer on 13-8-1991 for not operating the vessel. The Chief Engineer thereafter intimated him that the Manager, Marine Operations had marked him absent for the period from 8-8-1991 to 12-8-1991 by erasing the letter “P” from the attendance register and putting the letter “A” in place of the same. He, thereafter, demanded explanation from the Chief Engineer as to why he was marked absent in spite of his performance of duties, but no satisfactory answer could be given by him. The Chief Engineer, however, assured Shri Roy that he will settle the matter by his personal intervention. The Chief Engineer thereafter provided the concerned workman with another Driver on and from 13-8-1991 and since then the vessel was in operation. A show-cause notice was thereafter issued against the concerned workman on 21-8-91 wherein allegations in the nature of refusal to perform normal duties and wilful disruption of the operation of the Grab Dredger was brought against him. It was further alleged that due to such misconduct the Trustees had to suffer severe loss in the matter of emergent dredging operations. He submitted his reply and prayed that the period of his absence should be recorded as on duty. No order having been passed in respect of the same, Shri Roy has not yet got the pay for the period even though he did the maintenance job on all those days under the order of the Chief Engineer of the “Grab Dredger”. The workman accordingly referred the matter to the union which took up his case. An industrial dispute was accordingly raised by the union in the matter. No settlement having been arrived at between the parties in conciliation, the matter was referred to the Central Government which in turn sent this matter to this Tribunal for adjudication. The union has accordingly prayed for reversal of the wage cut order and also for provision for adequate manning to the Grab Dredger by the Haldia Dock Complex.

4. Management of Haldia Dock Complex (in short the management) in its written statement has alleged that the Grab Dredger works under the direct supervision of the Chief Engineer/Engineer-in-charge on duty. Manning of drivers in the Grab Dredger is made in accordance with the quantum of job. At the material time the drivers on board was adequate, that is, one First Class Driver and one Second Class Driver with one First Class Driver as reliever. It is also

alleged that on 8-8-1991 Shri Roy was not alone on board Grab Dredger as there was another Second Class Driver on board with him. According to the working system of the Grab Dredger there was no short manning as two Drivers worked at a time while another one remained as reliever. On 8-8-1991 Shri Roy did not carry out the instructions of the Chief Engineer to start all required machinery so that the vessel could move out from the lock-entrance for normal dredging operations. The workman carried out certain works of his own violating the instructions of the Chief Engineer. The management has denied that he did any maintenance work on the vessel from 8-8-1991 to 12-8-1991 and he was shown present on duty on all those days by the Chief Engineer. Management also denied that it had substituted the letter "A" in place of "P" in the attendance register. As the concerned workman refused to carry out the order of operating main engine of the vessel his services on board were of no use to the vessel and accordingly he was marked absent by the Chief Engineer as per instruction of the Manager, Marine Operations. The workman agreed to carry out the instructions of the Chief Engineer in performing his duties of a First Class Driver on and from 13-8-1991. A substitute Second Class Driver was provided on that date for maintaining the normal manning of the Grab Dredger. Since the concerned workman did not perform his duties in terms of the instructions of the Chief Engineer and since he was marked absent for not carrying out such order the wage-cut was imposed upon him on "no work no pay" basis. The management accordingly alleged that it was fully justified in effecting the wage-cut and prayed for dismissal of the case of the union.

5. The union has filed a rejoinder reiterating the allegations made by it in its written statement.

6. The concerned workman as representative of the union and also the representative of the management appeared and made their respective submissions in the matter.

7. Two witness, including the concerned workman were examined on behalf of the union and the management examined only one witness.

8. There is no dispute in this case that the concerned workman was present on all the five days from 8-8-1991 to 12-8-1991 for performance of his duties. The reason for marking him absent for these 5 days, as per management's case, is that he did not carry out the instructions of the management by running the Grab Dredger. Union's case in this matter is that since he was directed to run and operate the Grab Dredger single handedly without providing him a helping driver, it was impossible for him alone to operate two engines and quite a number of auxiliary machines of the same and also because such operations were risky. He had to refuse accordingly to operate the Grab Dredger in such conditions single handedly.

9. The concerned workman in his evidence stated that there must be two First Class Driver and two Second Class Drivers for the operations of the machines and cranes of the Grab Dredger. He, however, admitted in his evidence that during the period in

question there was no First Class Driver in the engine though there was one Second Class Driver in the upper deck. He also admitted in the cross-examination that with effect from 13-8-1991 he was assisted by another driver and he drove the Grab Dredger. Management in its written statement has stated that on 13-8-1991 one First Class Driver and one Second Class Driver were available on board as was the position of manning on board the vessel on 8-8-1991. WW-2, Daulat Prowad Shew stated in his cross-examination that it is within the power of the Chief Engineer to direct the driver incharge of the cranes to come to the engine room for assisting the other driver. On 8-8-1991 he was second driver. He said that the Chief Engineer did not ask him to do so. There is no question of Chief Engineer asking him to do so because Shri Roy refused to work as another First Class Driver was not provided to him for assisting him. Management also has examined the Chief Engineer, Rakesh Gupta. According to him two drivers are necessary to run the engines in the engine room. Entire operations of the Grab Dredger is under the supervision of the Chief Engineer. It is therefore clear from the above evidence that the concerned workman was not at all justified in his refusal of the performance of his duties as Engine Driver as minimum requirement of drivers was available board the vessel. As a matter of fact, on 13-8-1991 he ran the Grab Dredger with two Engine Drivers including himself. The minimum manning of two drivers including himself having been provided to him on 8-8-1991 it was not open to the concerned workman to refuse performance of his duty. Besides, the Chief Engineer who was in overall charge of the Grab Dredger being ultimately responsible for the Grab Dredger was also present, it was not for the concerned workman to refuse to perform his duties. Thus admittedly the workman having refused to perform his duties even when proper manning had been available to him, there cannot be any doubt that his mere physical presence on board the vessel without doing any work shall amount to absence from duty. Action of the management in marking his absent from duty on those days accordingly was fully justified and no fault can be found for such action.

10. It is true that the union has taken a plea in the written statement without any evidence in support of the same that though he did not run and operate the Grab Dredger on those days, still he performed all works concerning maintenance of the Grab Dredger. Even assuming that he had performed such work, still then, the said work shall not count for recording his presence as he had flouted the lawful orders of performance of duty as a engine driver for which he was getting his remuneration.

11. Regarding the second part of the reference in respect of provision of adequate manning in the Grab Dredger keeping in mind the observations made by the Inspecting Officer from Merchantile Marine Deptt. Calcutta, absolutely no evidence was led by either of the parties in this matter. Since the observations made by the Inspecting Officer, Merchantile Marine Deptt., Calcutta is not available for consideration, no finding in respect of this part of the reference is possible.

12. So, upon consideration of the facts, circumstances, evidence on record and the position of law in the matter, I am to hold that the management was fully justified in effecting wage-cut upon the concerned workman from 8-8-1991 to 12-8-1991 treating him as absent for the said period. The concerned workman accordingly shall not be entitled to any relief in this case.

This is my Award.

A. K. CHAKRAVARTY, Presiding Officer

नई दिल्ली, 6 अगस्त, 1999

का.आ. 2435.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डालमिया इन्टरनेशनल के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में सरकार औद्योगिक अधिकरण, बंगलौर के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-8-99 को प्राप्त हुआ था।

[सं. एल.-29012/72/98-आई.आर. (विविध)]
बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 6th August, 1999

S.O. 2435.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Dalmia International and their workman, which was received by the Central Government on the 6-8-99.

[No. L-29012/72/98-IR(Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, BANGALORE

Dated : 28-7-99

PRESENT :

Justice R. Ramakrishna Presiding Officer.

C. R. No. 14/99

I PARTY :

Sri A. R. M Ismail,
General Secretary,
No. 368, III Cross,
Ramanjineya Nagar,
Bellary-583104

II PARTY :

M/s. Dalmia International
Iron Ore Division,
Post Box No. 63,
N. C. Colony,
Hospet-583201

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2A of the section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-29012/72/98/IR(M) dated 8-2-99 on the following schedule :

SCHEDULE

"Whether the action of the management :

(i) in placing the workmen mentioned in Annexure-II under suspension w.e.f. April, 1998 without payment of subsistence allowance, and

(ii) in not paying wages to the workmen for the strike period;

is legal and justified ? If not, to what relief are the workmen entitled ?"

2. This reference is received on 12-2-99. Notices are issued to both parties. On 28-5-99 both parties are represented by the learned Advocates by filing their vakalatnamas. Case is adjourned to 18-6-99 and 9-7-99 for filing claim statement by the first party. On both occasions no representation are made to the first party and claim statement also not filed. It was adjourned to 23-7-99. After keeping the case till the end of the day and having found that the first party once again remained absent and not ready to co-operative in adjudicating this case on merits, this tribunal by taking into consideration the mandatory directions contained in Rule 10B is noted that further indulgence are not necessary and made the following order :

ORDER

The reference is rejected.

(Dictated to the stenographer, transcribed by her, corrected and signed by me on 28-7-99.)

JUSTICE R. RAMAKRISHNA, Presiding Officer

नई दिल्ली, 2 अगस्त, 1999

का.आ. 2436.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डा.रेक्टर, दूरदर्शन केन्द्र जयपुर के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जयपुर के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-8-99 को प्राप्त हुआ था।

[सं. एल.-42012/21/98-आई.आर. (डी.यु.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 2nd August, 1999

S.O. 2436.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jaipur as shown in the Annexure, in the industrial dispute between the employers in relation to the management

of Director, Doordarshan Kendra, Jaipur and their workman, which was received by the Central Government on the 2-8-99.

[No. L-42012/21/98-IR(DU)]
KULDIP RAI VERMA, Desk Officer

अनुरोध

केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय,
जयपुर

केस नं. जे-35/99

विज्ञप्ति संख्या—एन-42012/21/98/आईआर (डी यू)

जन्मल सेक्टर, प्रसार भारती, पम्प यूनियन
1046, बरबन नगर, टोक पाटक, जयपुर ।

बनाम

निदेशक,

दूरदर्शन केंद्र,

अहिना-तुलसी के पास

जयपुर

उपस्थित-प्राप्ति की शोर से—कोई नहीं

अप्राप्ति की शोर से—श्री नेत्र प्रकाश शर्मा, एडवोकेट

पंचाट तारीख 20-7-99

पंचाट

केन्द्रीय सरकार के द्वारा उक्त विज्ञप्ति के जरिए निम्न विवाद
व्याप्य निर्णयार्थ इस अधिकरण को निर्देशित किया गया है:—

“Whether the action of the Director, Doordarshan Kendra Jaipur is legal and justified in employing junior workmen Shri. Hazara Zab for 10 days in each month from July, 1997 and not giving employment to other senior workman (Annexure)? If not, to what relief the workman are entitled?”

निर्देश आदेश दिनांक 12.10.98 को प्राप्त हुआ था, जिसके अनुसार श्रमिक की शोर से निर्देश आदेश की प्राप्ति के 15 दिन के अन्दर स्टेटमेंट ऑफ क्लेम प्रस्तुत करना था, परन्तु स्टेटमेंट ऑफ क्लेम प्रस्तुत नहीं किया गया, श्रमिक को रजिस्टर्ड एज के जरिए पेट्रिस दिया गया कि वह दिनांक 20.7.99 को स्टेटमेंट ऑफ क्लेम प्रस्तुत करे, बावजूद तारीख रजिस्टर्ड ऑफिस के आग दिनांक 20.7.99 को न तो श्रमिक अथवा उनके प्रतिनिधि उपस्थित आये न ही स्टेटमेंट ऑफ क्लेम प्रस्तुत किया, जिससे ऐसा प्रकट होता है कि श्रमिक को स्टेटमेंट ऑफ क्लेम प्रस्तुत करने में कोई रुकावट नहीं है एवं ऐसा अनुमान लगाया जाता है कि पक्षकारों के बीच विवाद नहीं रहा है, उक्त परिस्थितियों में विवाद रहित पंचाट पारित किया जाता है, पंचाट की प्रतिनिधि केन्द्रीय सरकार को औद्योगिक विवाद अधिनियम, 1947 की धारा 17(1) के अन्तर्गत प्रकाशनार्थ प्रेषित की जाए ।

कुलदीप राय वर्मा, पीठासीन अधिकारी

नई दिल्ली, 2 अगस्त, 1999

का. सा. 2437.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूची में, केन्द्रीय सरकार कंटॉन्मेंट बोर्ड, नसीराबाद के अध्यक्षत्व के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुरोध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जयपुर के पंचाट का प्रकाशन करने के, जो केन्द्रीय सरकार को 2.8.99 को प्राप्त हुआ था ।

[सं.एन-14011/15/98-आईआर (डी यू)]

कन्दील राय वर्मा, डेस्क अधिकारी

New Delhi, the 2nd August, 1999

S.O. 2437.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jaipur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Cantonment Board, Nasirabad and their workman, which was received by the Central Government on the 2-8-99

[No. L-14011/15/98 IR(DU)]

KULDIP RAI VERMA, Desk Officer

अनुरोध

केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय,
जयपुर

केस नं. जे-30/99

विज्ञप्ति संख्या :—एन-14011/15/98/आईआर (डी यू)

दिनांक 6-5-1999

पत्राक्ष, छातनी परिवर्द्ध कर्मचारी यूनियन,

2507/8, बरबन सेक्टर, नसीराबाद ।

बनाम

ए.जॉबपुर्वक आफिसर, कंटॉन्मेंट बोर्ड,

(जिना-अजमेर), नसीराबाद

उपस्थित—प्राप्ति की शोर से—कोई नहीं ।

अप्राप्ति की शोर से—श्री के. के. जैन, एडवोकेट

पंचाट तारीख 19-7-1999

पंचाट

केन्द्रीय सरकार के द्वारा उक्त विज्ञप्ति के जरिए निम्न विवाद इस अधिकरण का न्याय निर्णयार्थ निर्देशित किया गया है :—

“Whether the action of the management of Cantonment Board, Nasirabad by not giving promotion to Sh. Tulsiram S/o Sh. Ramchand, Sufaiwala as jamadar though his juniors S/Sh. 1. Sukma S/o Narain 2. Shyamlal S/o Sh. Suwa & 3. Prahalad S/o Sh. Sannu were promoted as Jamadar is legal and justified? If not, to what relief the workman is entitled?”

निर्देश आदेश दिनांक 7-6-99 को प्राप्त हुआ, जिसके अनुसार छावनी परिषद् कर्मचारी संघ की ओर से निर्देश आदेश की प्राप्ति के अन्दर 15 दिन स्टेटमेंट द्याफ ब्लेग प्रस्तुत किया जाना था परन्तु क्लेम प्रस्तुत नहीं किया गया। अध्यक्ष, छावनी परिषद् कर्मचारी संघ को जर्जिए रजिस्टर्ड पत्र नोटिस भेजा गया कि वे तारीख 19-7-99 को स्टेटमेंट द्याफ क्लेम प्रस्तुत करें। उक्त संघ की ओर से न तो कोई उपस्थित आया न ही कोई क्लेम प्रस्तुत किया गया, जिसमें ऐसा प्रकट होता है कि उक्त संघ को क्लेम प्रस्तुत करने में कोई रुचि नहीं है व ऐसा अनुपात लगाया जाता है कि पक्षकारों के बीच राय विवाद नहीं रहता है। ऐसी परिस्थितियों में विवाद रहित पंचाट पारित किया जाता है। पंचाट की प्रतिनिधि केन्द्रीय सरकार को औद्योगिक विवाद अधिनियम, 1947 की धारा 17(1) के अंतर्गत प्रकाशनार्थ प्रेषित की जाए।

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पीठासीन अधिकारी

नई दिल्ली, 2 अगस्त, 1999

का. आ. 2438.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार की टेलीग्राफ डिस्ट्रिक्ट मैनेजर, नाल्गोंडा के प्रबंधन के संबंध निवेदकों और उनके कार्यकर्ताओं के बीच, अनुबंध में निहित औद्योगिक विवाद से औद्योगिक अधिकरण नं. 2, हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-8-99 को प्राप्त हुआ था।

[सं. एल-40012/3/98-आई. आर (डि. य.)]

कुलदीप राय वर्मा, उक्त अधिकारी

New Delhi, the 2nd August, 1999

S.O. 2438—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, No. II, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of The Telecom District Manager, Nalgonda and their workman, which was received by the Central Government on the 2nd August, 1999.

[No. L-40012/3/98-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-II, A. P. HYDERABAD

PRESENT:

SRI G. BHOOPATHI REDDY, B.A., LL.B.,
CHAIRMAN.

DATED: 7th JUNE, 1999.

I.D. No. 58 of 1998
(Central)

BETWEEN:

Sri Syed Kaleelullah Hussain,
S/o Syed Yakooob Hussain,H. No. 5-8-106/G,
Manyam Chaloke,
Nalgonda-508001.

.. Petitioner.

AND

The Telecom District Manager,
Nalgonda,

A.P., Nalgonda-508 001.

.. Respondent.

APPEARANCES:

Sri C. Suryanarayana, Advocate for Petitioner.

Sri P. Damodar Reddy, Advocate for Respondent.

AWARD

This I.D. referred to this Tribunal by the Ministry of Labour, Central Government, under section 10(1)(d) of the I.D. Act, in pursuance of the Order No. L-40012/3/98/IRDU to decide the dispute "Whether the action of the Management of Telecom Department in terminating the Services of Syed Kaleelullah Hussain, Ex-casual Mazdoor is legal and justified?" "If not to what relief the workman is entitled to?"

After this I.D. referred to this Tribunal for adjudication the petitioner filed a Claim Statement. The petitioner submit that he was initially employed for 6 months as casual mazdoor from May 1976 by Junior Engineer, Phones, Nalgonda on 07-01-1978. On the basis of the sponsoring by the employment Officer, Nalgonda the petitioner was formally selected and appointed as Mazdoor on daily wages in co-axial Maintenance Sub Division under the Asst. Engineer, CXL Maintenance, Narketpally on 10-01-1998. The petitioner was employed under the said A.E. from the February, 1978 to March, 1979. In the month of April, the petitioner was employed for 30 days, but thereafter the petitioner was not employed till the end of September, 1981 due to non-availability of work for juniors like the petitioner. The Petitioner was again employed from October, 1981 till April, 1987. The petitioner was employed during the month of April, 1987 only for 4 days. In the meanwhile the Respondent order dated 2-3-1987, the petitioner selection as regular Mazdoor was declared invalid and his name was deleted in the selected list of 1985 on the ground that

"On requisite of the transfer certificate produced by the following candidates in support of their educational qualifications it is proved that the same are bogus. The petitioners was retrenched from service violating the mandatory provisions of 25F of I.D. Act. The petitioner was not given any opportunity violations of Principles of Natural Justice without conducting any enquiry he was retrenched. The respondent is the de facto authority that in fact retrenched the petitioner from service but not the appointing authority.

The petitioner submit that the selecting list of 1985, dated 2-3-1987 can only mean the approved list of casual Mazdoors on rolls in Nalgonda Telecom District for appointing as Telephone Mazdoor on Regular Mazdoor. The petitioner submits that as per the Order No. 269-29/88-STW, dated 18-11-1998. He was appointed as Regular Mazdoor of Nalgonda Telecom District. As per the said Order the casual labourers are part time casual labourers who are rendered 7 years of service as on 31-03-1987 i.e. who had been serving the Department since or prior to 1-4-1980, were to be Regularised against the posts of Regular Mazdoors sanctioned by the Telecom Department. Full time casual Mazdoors who had rendered 240 days service in a year for any 2 years prior to 31-3-1987 were eligible for regularisation. Part time Labourers who had rendered 240 days service in a year for any 4 years prior to 31-3-1987 were also eligible for absorption as Regular Mazdoors. The petitioner submits that they were to be absorbed without insisting on their eligibility with reference to their age and upper age limit was to be treated as relaxed. The regularisation was to be done from the common seniority list to be prepared by each recruitment unit.

It is submitted that the combined seniority list of casual labourers in respect of a recruitment unit will be maintained. The list will include all casual labourers working

within the territorial jurisdiction of the recruitment unit including those working in functional units of Telecom projects or Telecom Maintenance Regions and electrification assurance circles etc., which they are attached. The absorption against regular group 'D' goes or retrenchment due to exigencies, such as non availability of work will be one according to the combined seniority list. No educational qualifications were prescribed for absorption through primary school standard was desirable. The Petitioner applied for absorption as Regular Mazdoor on 18-11-1988. The Respondent authority insisted on submission of date of birth certificate and the certificate of educational qualifications. The petitioner educational qualifications is 5th class the petitioner submitted that his transfer certificate proof of date of birth.

The petitioner discontinued 5th standard. The petitioner submit that he along with 5 other members names were deleted, the respondent reinstated the 5 others. But the petitioner was not reinstated even though the petitioner submitted representation. The petitioner submits that the deletion of his name from the appointment list causing hardship. The petitioner prayed that he may reinstate into service with continuity of service backwages and all other attendant benefits.

The respondent filed a counter with the following averments. The allegations made in the claim statement are false. It is false to say that the petitioner was not employed from 1979 to 1985 for non availability of work for juniors. The petitioner did not produce any evidence to this effect, even when 29 months of unauthorised absence was raised before this Tribunal. The Respondent submits that the petitioner was appointed as casual Mazdoor on muster roll daily wages in coaxial maintenance section which expenditure is charged to maintenance, and not to work charged estimates. The petitioner was selected for appointment for the post of Regular Mazdoor for the year 1985. Before appointment to the post of Regular Mazdoor the petitioner submitted a Transfer Certificate supposed to be issued by the Upper Primary School, Nalgonda District, in support of his claim of his Date of Birth. On verification it was found bogus Certificate. The petitioner name was deleted from the selected list of 1985 as per the order dated 02-03-1987.

The petitioner committed misconduct, his services were terminated by giving one month notice. The petitioner representation was also rejected. The petitioner requested for re-employment which was also not considered as the petitioner committed serious misconduct. The petitioner was retrenched on the ground of misconduct the section 2(oo) of I.D. Act is not applicable for retrenchment. It is false to say that the petitioner was selected as Regular Mazdoor in 1987 in accordance with the instructions contained in D.O.T. letter, dated 18-11-1988. In section contained in the D.O.T. letter is not applicable to the petitioner claim. The petitioner name was deleted from the muster rolls w.e.f. 05-04-1987. He raised a dispute in November, 1995. The petitioner is not interested to continue his services in department of telecommunications. The petitioner is gainfully employed in other profitable vacancy all these 8 years. The petitioner is not entitled any relief claimed for the I.D. may be dismissed.

On the basis of the pleadings the following points that arise for determination.

- (1) "Whether any domestic enquiry is necessary before termination of service of the petitioner?"
- (2) "Whether the I.D. filed by the petitioner is barred by limitations?"
- (3) "Whether the termination order passed by the respondent is justifiable? If so what kind of relief the Petitioner is entitled?"

In support of the petitioner claim the petitioner himself examined as W. W1, Ex. W1 to W11 filed. To rebut the petitioner Evidence MW1 Sri T. Adishesha Chary, S.D.O., Telecom, Examined Ex. M1 to M6 filed.

W. W1 Sri S. K. Hussain deposed that he joined in the respondent Telephone Exchange in May, 1976 worked for 6 months Ex. W1 is the Service Certificate. The Management again appointed him from June, 1977 worked continuously 6 months Ex. W2 is the Service Certificate. He was selected and appointed as Mazdoor on daily Wage by order dated 10-01-1978. Ex. W3 is the order. He deposed that he worked up to April 1979. In the month of May 1979 he was again stopped work on the ground that there was no work for juniors. The Management maintained registers showing the work particulars. The respondent terminated his services. Ex. M4 is the copy of the termination order, that he was removed from muster roll. He made representation to the respondent Ex. W5 is the copy of representation. Prior to issue of notice the management issued a proceedings dated 02-03-1987 stating that his selection was invalid on verifications, qualifications were found not proved, Ex. W6 is the proceedings. The management had not issued any show cause notice before cancelling the selection. The two other employees also removed from muster rolls till they are continued. Represented to the General Manager seeking relief of reinstatement Ex. W7 is the copy of representation. On the second representation the Respondent submitted report to conciliation officer given by the Telecom District in juniors. The copy of the report is Ex. W8. When he approached the labour authorities raising dispute for settlement, Ex. W9, Ex. W9 is the copy of representation given to A.C.L. The Management did not agree to reinstating into service Ex. W11 is the failure report. The termination order passed by respondent may be set aside he may be reinstate into service.

To rebut the petitioner evidence MW1 Sri T. V. Adishesachary, S.D.O., Nalgonda deposed that the petitioner was engaged as casual Mazdoor in February, 1978 and continued as such up to till 1979. In the month of May, 1979 the petitioner did not attend to his work. The Petitioner was reengaged from October, 1981. He was continued upto October, 1987 as casual Mazdoor. The petitioner was appointed to the post of regular Mazdoor in the year 1985. The petitioner was already produced his school certificate for date of birth is concerned. The petitioner submitted T. C. issued by Upper Primary School, Palerla, Nalgonda District. On verification of the Schools records it was bogus certificate. The petitioner name was deleted from the selection list. The petitioner was also issued one month notice before termination. The petitioner has not approached the management for reinstatement after long back he was filed this I.D. The petitioner is not entitled any relief the I.D. may be dismissed.

POINT NO. 1: The petitioner counsel contended that the respondent deleted his name from the Regular Mazdoor selection. The petitioner was selected as Regular Mazdoor and his name was deleted from the selection list of Mazdoor without conducting any domestic enquiry, only the respondent has issued a one month notice. There was a violation of Principles of Natural Justice. The respondent resisted the plea that the petitioner was not working as regular Mazdoor and was not in service even though the one month notice was issued deleting the name from regular Mazdoor selection list. There is no necessity to conduct domestic enquiry. The submission made by the petitioner is concerned it is an admitted case that the petitioner was selected in the year 1985 as a Regular Mazdoor in Group 'D' Cadre and the petitioner was asked to produce School certificate instead of that the petitioner submitted a transfer certificate. The said transfer certificate is a bogus certificate and the petitioner name was deleted from the selection list of Mazdoor. There is no necessity to conduct a regular enquiry even though the respondent has issued one month notice before deleting name from the selection list of Mazdoors. There is no necessity to conduct regular enquiry. There is no doubt the respondent itself has filed Ex. M3 showing the details of the petitioner was employed as casual mazdoor from 1977 to 1988. As per the said particulars itself goes to show the petitioner is not in continuance service Ex. M1 is the representation submitted to the General Manager. In the said representation itself that the petitioner admitted his fault and pardon him, he has committed mistake actually he studied IVth Class. Even the petitioner evidence also did not disclose that a regular enquiry to be conducted. On the other hand the management witness

MW1 has clarified in his evidence that the petitioner has submitted false transfer certificate. The petitioner has not studied any upper primary school, Palerla, Nalgonda District and the petitioner name was deleted from the selection list of regular Mazdoor. There is no necessity to conduct domestic enquiry there is no violation of section 25F of I.D. Act. This point is proved in favour of respondent against the petitioner.

POINT No. 2: The petitioner contended that the dispute referred to this Tribunal pertains to directing the respondent to restore of his name in the selection list 1985 as a regular Mazdoor and absorb him in the Regular establishment w.e.f. 04-08-1987. There is no limitation period is prescribed in the I.D. Act. The I.D. filed by the petitioner is maintainable. The Respondent resisted the plea. The petitioner name was deleted from the selection list in the year 1987 whereas the petitioner has submitted a representation on 20-09-1993 to the General Manager of Telecom, Warangal. On the basis of said representation the conciliation proceedings were initiated the conciliation proceedings to be filed. Thereafter the matter was referred to this Tribunal to decide the dispute. There is no specific provision in the I.D. Act to raise an industrial dispute. On the other hand the petitioner name was deleted from the selection list of regular mazdoor in the year 1987 whereas he has made representation in the year 1993. There is no doubt the petitioner has not explained the cause of delay for making a representation. On the other hand the evidence led by the petitioner discloses that there is a reasonable delay for rising a dispute. Moreover the respdt. has issued notice to the petitioner before termination in the month of March, 1987. The deletion of name from the list was issued w.e.f. 05-04-1987. On the ground that the petitioner has submitted a bogus certificate on the other hand the petitioner was not included in School. The petitioner filed documents Ex. W1, Ex. W2 are the service certificate and Ex. W3 is the proceedings issued by the Assistant Engineer Co-axial, Maintenance. Markedly, the petitioner was selected as Mazdoor on daily wage basis Ex. W4 is the termination order as a casual Mazdoor, Ex. W5 is the representation given reinstatement of casual labour and subsequently the petitioner was selected as a regular Mazdoor and the petitioner was asked to submit a school certificate then the petitioner has filed a bogus transfer certificate. The petitioner has raised the dispute with Assistant Labour Commissioner on 21-11-1995. On the basis of Ex. W9 the conciliation proceedings were initiated. Ex. W11 is the conciliation proceedings the conciliation failed, the matter was referred for adjudication to this Industrial Tribunal. In these circumstances there was a delay occurred on account of raising a dispute by the petitioner. The I.D. filed by the Petitioner is maintainable. This point is proved in favour of petitioner against the respondent.

POINT No. 3: The petitioner counsel contended that the petitioner worked as a casual Mazdoor from 1976 onwards. Subsequently he was appointed as a regular Mazdoor on the basis of selection list his name was removed from the selection list. The removal of his name from the selection list is illegal the termination order may be set aside. The Respondent resisted the plea, that the petitioner has submitted a false bogus certificate. The removal Order may be confirmed, the petitioner is not entitled any relief. The petitioner seeking the relief of regularisation as Mazdoor from 01-04-1987, onwards. The petitioner counsel further submit that he was selected as a regular Mazdoor in a group 'D' Cadre along with other persons he was removed from service from selection list other Mazdoors were continuing in the respondent organisation. The Respondent issued by the circular No. 539/88 TF-2, dated 15-11-1988 sanction for creation of 14,117 posts of regular Mazdoor group 'D' various cadre were issued. As per the said circular those casual Mazdoor has in the service, those services were to be regularised. The petitioner was in service on the date of issue of the said circular. The submission made by the petitioner is not sustainable. On the other hand the petitioner was selected as a regular Mazdoor on the basis of the selection made by the Respondent. The petitioner was asked to submit a school certificate and he has submitted a bogus T.C. that the petitioner was not studied in any school his name was deleted from the regular selection list. On the other hand the evidence led by the petitioner is quite contra to that of the plea taken by the petitioner. As per the evidence of the WW1 discloses that he was not given any notice before

cancelling the selection. On the other hand Ex. MW1 is SDO, Telecom Department, Nalgonda as per his evidence goes to show that the petitioner was selected as regular Mazdoor in the year 1985 and the petitioner was asked to produce the date of birth certifiable from the school. Whereas the petitioner has submitted a T.C. issued from the upper primary school, Palerla, Nalgonda Distt. On verification of the said certificate that it is a bogus certificate. The petitioner contended the respondent has violated section 25 F of I.D. Act. The petitioner was in continuous service of Respd. from 1987 onwards. The respondent resisted the plea that the petitioner is seeking the relief with regard to set aside the removal order and to reinstate into service, by giving effect as a regular Mazdoor by regularising his service.

In support of the petitioner claim the petitioner has relied Kunjakose Vs. State of Kerala, 1985(1) SLR, Kerala High Court, Page 191 under section 16 of Indian Constitution. Wherein it was held non production of the original document at the time of interview however original testimonials furnished before joining duty Rules of procedure should not be rigidly adhered to which may entail the dismissal of application or refusal of selection it should be essentially for the selecting authority to decide about the relaxation of such a stipulation. The principle laid down in this case is not at all applicable, in our present case is concerned, the petitioner along with others were appointed as a regular Mazdoors. The petitioner was asked to produce the age proof certificate from the school. The petitioner instead of producing the age proof certificate the petitioner has filed the transfer certificate, on verification of the transfer certificate in the school the petitioner has not studied in the school and it is a bogus certificate. Now the petitioner is seeking a relief of regularisation of his service by setting aside the termination order, by restoration of his name in the selection list of 1985 in order to absorption in the regular establishment respectively. The petitioner is not entitled to set aside the order passed by the respondent deleting the name from the selection list. The petitioner contended that the other persons along with him were terminated from service the other persons were reinstated without insisting eligibility with reference to age by relaxing the roll. The submission made by the petitioner is not sustainable. The petitioner is not entitled to seek relief to set aside the removal order. The Section 25F of I.D. Act is applicable when the petitioner is in continuous service he was terminated from service violation of Section 25F. Whereas in our present case is concerned the petitioner was regularly selected as a Mazdoor in a Group 'D' cadre and he was asked by the respondent to produce school record in respect of the age is concerned the petitioner has produced transfer certificate which is bogus certificate. On verification in the school by the respondent discloses that the petitioner is not a student of that school. In addition to that the MW1 evidence also goes to show that after the petitioner submission of the transfer certificate they have enquired in the school the transfer certificate was not issued by the said school and which is a bogus certificate. Thereafter the petitioner name was deleted from the selection list.

In support of the petitioner claim the petitioner further relied Nuram Chopra Vs. Presiding Officer, Labour Court and others, 1989, Supreme Court cases, page 565, Section 25F of I.D. Act. Wherein it was held the termination of service in violation of Section 25F, held, void ab initio aggrieved held, entitled to continuity in service with back wages. The principle laid down in this case is not at all applicable in our present case is concerned. The petitioner is seeking a relief of to set aside the deletion of his name from the selection list and to regularise his service. Whereas the ruling submitted by the petitioner pertains to the where an employee has terminated in violation of Section 25F of I.D. Act. It was held the termination order to set aside the petitioner as the employee entitled continuity of service with back wages and all other attendant benefits.

The petitioner submit that the termination is a retrenchment in terms of section 2(cc) of I.D. Act and the same is illegal for non compliance with the mandatory provisions of section 25 F of I.D. Act. The submission made by the petitioner is not sustainable. The petitioner contended that the broken periods of service are to be treated as continuous service for the purpose of Section 25F of the I.D. Act. To substantiate the claim of the petitioner, the petitioner has filed Ex. W1 Service Certificate discloses that the petitioner has worked 6 months w.e.f. May, 1976. Ex. W2 is the service Certificate

issued by the Junior Engineer, Telecom Department, Nalgonda. The petitioner worked as a Mazdoor w.e.f. June, 1997. The Ex. W3 is the appointment letter issued by the Assistant Engineer selected as a Mazdoor on daily wages. Ex. W4 is the removal order removing name of petitioner from the muster rolls. The petitioner filed documents discloses that the petitioner worked from 1976 onwards. But he was not in continuous service on the other hand the respondent filed documents discloses that of the petitioner worked as a Mazdoor from 1977 to 1988 on different spells of period which also goes to show that the petitioner is not in continuous service. The petitioner is seeking a relief to set aside the deleting his name from the Regular Mazdoor. The Petitioner is not entitled to seek relief under section 25F of I.D. Act.

On the other hand the reference is referred to this Tribunal pertains to deletion of his name from the selection list of regular Mazdoor. The petitioner has failed to produce the age proof Certificate on the other hand Transfer Certificate filed which is a bogus certificate on the basis of bogus certificate the Tribunal cannot direct the respondent to reinstate the petitioner into service by regularising his services. On the other hand the petitioner made representation the conciliation proceedings taken place with regard to deletion of his name from the selection list as Regular Mazdoor, Group 'D'. On the representation made by the petitioner the conciliation proceedings also taken place the conciliation failed, Ex. W11 is the minutes of the conciliation proceedings. The conciliation failed thereafter the matter was referred to this Tribunal to decide the dispute with regard to the deletion of petitioner name from the selection list. The present case is with regard to deleting his name from the selection list. The petitioner previous service as a casual Mazdoor cannot be taken into consideration. The reference sent to this Tribunal is with regard to the action taken by the management, Telecom Department in terminating the services of the petitioner is legal and justified. If not to what relief the workman is entitled?

The petitioner contended that he may be reinstate into service by giving continuity of service w.e.f. 5-12-1988 back wages and other attendant benefits. The petitioner is not entitled the said relief. The petitioner name cannot be included in the selection list and regularise his services. The petitioner service on different periods can not be taken into consideration. In support of the petitioner claim the petitioner has relied MOHANLAL VS. MANAGEMENT OF BHARAT ELECTRONICS LIMITED, AIR 1981, Supreme Court, Page 1253, where in it was held that all broken period of service are to be treated as continuous service for the purpose of section 25F of the I.D. Act, 1947. The principle laid down in this case is not at all applicable in our present case is concerned.

In support of the petitioner claim petitioner relied RATTAN SINGH VS. UNION OF INDIA AND ANOTHER 1998, Supreme Court cases, page 170, under section 25F and 25B of I.D. Act, wherein it was held Daily Wages is entitled to protection under section 25F of I.D. Act. The termination order issued by the respondent is set aside the petitioner was reinstated into service with continuity of Service. The principle laid down in this case is not at all applicable in our present case is concerned. In our present case is concerned there is no doubt the petitioner was engaged as a daily Mazdoor and worked difference spells of period. The petitioner from 1978 onwards subsequently the petitioner was selected in the year 1985 as regular Mazdoor in Group 'D' Cadre he was asked to produce the age proof certificate then the petitioner filed transfer certificate obtaining from the school which is bonus certificate. The petitioner name was deleted from the selection list. The petitioner is seeking relief to set aside the termination order to appoint him as regular Mazdoor and continuity of service. The section 25F of I.D. Act provision is applicable when the employee is incontinence service. Where as our present case the petitioner was selected in the year 1987 as regular Mazdoor when the petitioner filed a bogus certificate his name was deleted from the list of selection list. The petitioner seeking a relief to reinstatement with continuity of service w.e.f. 05-04-1987 with back-wages and all other attendant benefits and also absorption in a regular establishment as a group 'D' Cadre employee regular Mazdoor. The Petitioner is not entitled to seek relief under section 25F of I.D. Act.

The petitioner is not entitled to restoration of his name in the selection list of Mazdoor and absorption in a regular establishment. The petitioner is not entitled any relief. In view of my finding on Point No. 1 to 3, Point No. 2 is proved in favour of the petitioner, Point No. 1 & 3 in favour of respondent as such the petitioner is not entitled any relief the I.D. is hereby dismissed without costs.

The Award shall come into force under section 17A of I.D. Act after one month of publication of the Award.

Dictated to the Stenographer transcribed by her corrected by me and given under my hand and seal of this Tribunal on this the day of 7th June, 1999.

SRI G. BHOPATHI REDDY, Chairman

APPENDIX OF EVIDENCE

LIST OF WITNESSES EXAMINED

For Petitioner : W.W1 : Sri Syed Kallelullah Hussain.

For Respondent : M.W1 : Sri T. V. Adishesha Chary.

LIST OF DOCUMENTS MARKED

For Petitioner :

Ex. : 07-01-1978 : Service Certificate issued by Jr. Engineer (P) Nalgonda.

Ex. W2 : — do — : Service Certificate issued by Jr. Eng. Interstice Maintenance, Nalgonda.

Ex. W3 : 10-01-1978 : Appointment letter.

Ex. W4 : 05-03-1987 : Xerox copy of Termination Notice.

Ex. W5 : 01-06-1989 : Copy of representation by petitioner addressed to the Telecom District.

Ex. W6 : 02-03-1987 : Copy of Memo No. E-17-57/22, Department of Telecom, Nalgonda.

Ex. W7 : 20-09-1993 : Copy of representation of petitioner addressed to the G.M., Telecom, Warangal.

Ex. W8 : 15-10-1993 : Copy of letter of Telecom Distt., Engineer, Nalgonda.

Ex. W9 : 21-11-1995 : Representation of Petitioner addressed to the A.L.C.(C)-II, Hyderabad.

Ex. W10 : 09-07-1996 : Copy of the letter No. TDM/NGD/I.D. 96-97/9, of Telecom Dist. Manager, Nalgonda.

Ex. W11 : 15-07-1996 : 2 Copies of minutes of the conciliation proceedings issued by A.L.C.(C)-II, Hyderabad.

For Respondent :

Ex. M1 : 20-09-1993 : Representation of the petitioner addressed to the G.M., Telecom, Warangal.

Ex. M2 : 19-02-1988 : X. C. of Record sheet of petitioner issued by Govt. High School, (J.B.S.) Nalgonda.

Ex. M3 : 04-10-1993 : Copy of detailed Report of the case of S. K. Hussain (Petitioner) letter of A.E., Suryapet.

Ex. M4 : 31-12-1997 : C. C. of failure of conciliation report.

Ex. M5 : 29-09-1988 : Representation of the petitioner addressed to the respondent (Telugu).

Ex. M6 : 03-10-1987 : C. C. of representation letter of Sri. N. Narasimha Addressed to the G.M., Telecom, Hyd.

नई दिल्ली, 6 अगस्त, 1999

का. भा. 2439. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार चीफ पोस्ट मास्टर जनरल, बंगलूर के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अन्वेषण में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-8-99 को प्राप्त हुआ था ।

[सं. एल-42012/109/96-आई. आर. (डी.यू.)]

कुलवीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 6th August, 1999

S.O. 2-39.-In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Chief Post Master General, Bangalore and their workman, which was received by the Central Government on 6-8-99.

[No. L-42012/109/96-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated : 30-7-1999

PRESENT :

Justice R. Ramakrishna, Presiding Officer
C. R. No. 81/98

I PARTY :

Shri P. Narayanaswamy,
Venkatagiri Kote,
Devanahalli Taluk,
Bangalore Rural Dist.

II PARTY :

The Chief Post Master General,
Karnataka Circle,
General Post Office,
Bangalore-560001.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-42012/109/96-IR(DU) dated 4-9-98 on the following schedule :

SCHEDULE

"Whether the action of the Chief Post Master General Karnataka Circle, Bangalore is legal and justified in dismissing Shri P. Narayanaswamy on grounds of SB/RD fraud? If not, to what relief the workman is entitled?"

2. This reference is made at the instance of the first party workman whose services are terminated w.e.f. 12-3-1992 after conducting a domestic enquiry.

3. Consequent to issue of notices the first party appeared and filed his claim statement. At the initial stage the second party is represented by a learned Central Government Advocate, who filed memo of appearance. Though we gave number of adjournments for the second party to file their counter statement, the same was not filed. At a later stage no representation was made to the second party. We have also imposed a cost of Rs. 200/- for not filing counter statement within the stipulated time. In view

of these predicament we have treated the second party as ex-parte i.e. and allowed the first party to adduce his evidence in support of the case made out by him. Indeed the first party has not filed any documents connected to this dispute. Therefore we have to decide this dispute on the basis of the averments made in the claim statement and the oral evidence given in support of the same. In view of a specific directions given in the schedule directing the second to justify their action, it is incumbent on the part of the second party to render necessary assistance to decide this dispute.

4. The first party in the claim statement has questioned the validity of domestic enquiry and also the competency to pass an order of termination on the finding of the enquiry officer, which according to him is perverse. However we are not able to contradict the stand taken by the 1 party, in view of the absence of the second party. Therefore I only consider the enrubuted oral evidence placed by this party to reach a conclusion.

5. The first party stated in his evidence that he was appointed as a Branch post master to work at Narayanapura, Devanahalli Taluk w.e.f. 22-2-1982 he worked in this capacity upto 12-3-1993. He was put off duty from 12-3-1993.

6. It is his further evidence that a charge sheet was issued to him making allegations that he has committed fraud in SB and RD accounts. He states that he did not commit any fraud as alleged in the charge sheet. The second party have not paid any salary from 26-11-1990, the date he was on duty, till 12-3-1993. It is his further evidence along with the charge sheet the second party has not given name of the witnesses, list of documents. The enquiry officer has not conducted the enquiry in accordance with the principles of natural justice. The defence representative of his choice was not provided to, on the contrary he was compelled to have the assistance of a person recommended by the management.

7. On the above ground the first party prayed for necessary reliefs claimed in the claim statement.

8. The law envisages that the second party who have dismissed the services of this workman are expected to prove independently before this tribunal, which includes conducting the domestic enquiry in a manner recognised by law. Since the second party have failed to take party in the proceedings I am compelled to make the following order :

ORDER

The action of the Chief Post Master General in dismissing of the first party workman is not legal and justified. Consequent to this the first party is entitled for re-insatement into his original post with full back wages and continuity of service.

(Dictated to the stenographer, transcribed by her, corrected and signed by me on 30-7-1999.)

JUSTICE R. RAMAKRISHNA, Presiding Officer

नई दिल्ली, 6 अगस्त, 1999

का. आ. 2440—औद्योगिक विवाद अधिनियम, 1947 (1947 का 64) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कलकत्ता टेलीफोन्स के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचाट की प्रकाशित करती है, जो केन्द्रीय सरकार को 6-8-99 को प्राप्त हुआ था।

[सं. एन-40012/14/95-आई. आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 6th August, 1999

S.O. 2440.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Calcutta Telephones and their workman, which was received by the Central Government on the 6-8-99.

[No. L-40012/14/95-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL AT CALCUTTA

Reference No. 5 of 1996

PARTIES :

Employers in relation to the management of
Calcutta Telephones.

And

Their workman.

PRESENT :

Mr. Justice A. K. Chakravarty, Presiding Officer.

APPEARANCE :

On behalf of Management—Mr. Tapas Chowdhury, Advocate.

On behalf of Workman—Mr. Madhusudan Dutta, Advocate.

STATE : West Bengal. INDUSTRY : Telephones

AWARD

By Order No. L-40012/14/95-IR(DU) dated 27th March, 1996 the Central Government in exercise of its powers under Sections 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Calcutta Telephone in terminating the services of Sh. Jitendra Nath Ojha, is justified and legal? If not, to what relief the workman is entitled to?”

2. Instant reference has arisen at the instance of one Jitendra Nath Ojha who was engaged as casual workman by the management of Calcutta Telephones

3. Workman's case, in short, is that he was engaged by the management of the Calcutta Telephones on 26-11-1991 for working in the office of the SDOP Calcutta Telephones, 36 Exchange, Ultadanga Sub-division Calcutta. He had been working in that capacity since then continuously and completed more than 240 days of work every year and was performing perennial nature of job with the tool-cart under direct control and supervision of the concerned Junior Telecom Officer/Officers of the management. The management of Calcutta Telephone, however, all of a sudden without assigning any reason terminated the service of the workman verbally with effect from 6-4-1994 in contravention of the mandatory provisions of Section 25F of the Industrial Disputes Act, 1947. It is alleged that such verbal termination of service is retrenchment within the meaning of Section 2(oo) of the Industrial Disputes Act, 1947 and compliance of the provisions of Section 25F by service of notice and payment of retrenchment compensation were mandatory as the concerned workman had completed more than 240 days work preceding the aforesaid date of retrenchment. The termination is accordingly challenged as invalid, inoperative and void. The workman thereafter made verbal representations to the management and to the concerned SDOP for his reinstatement without any result. The workman also alleged that he used to sign attendance register every day and he was paid through ACG-17 vouchers. Those are in the custody of the concerned Sub-divisional Officer (Phones). The management thus having taken no steps for reinstating the concerned workman, he raised a formal industrial dispute before the Regional Labour Commissioner (Central) by his letter dated 4-5-1994. The present reference has arisen out of the failure of conciliation held in pursuance to that letter. The workman accordingly prayed for holding that the management's action in terminating his service was unjustified and for his reinstatement with back wages.

4. The management of Calcutta Telephones (in short the management) filed a written statement alleging, inter alia, that because of the two circulars being No. 270/6/84-STN dated 30-3-1985 and 270-6/84-STN dated 22-6-1988 the concerned workman was not liable to be engaged and that there was no employer-employee relationship between the parties. It's positive case is that the concerned workman was appointed on 1-2-1992 for working in a time-bound project, namely, upgradation work of conversion from electromagnetic to electronic exchange of 36 Exchange. On completion of such upgradation project work, he was disengaged from service on 15-11-1992. The concerned workman rendered only 167 days of service in total in different phases during this period. A monthly break-up of such service is shown in the written statement. Management denied that the workman was disengaged on 6-4-1994. Management also denied that disengagement of the workman from service was retrenchment or that the provision of Section 25F of the Industrial Dispute Act was not complied with. Management also denied that the workman had completed 240 days of continuous work either in 1992-1993 or in 1993-1994. Management also denied that he had rendered 240 days of service within 12 calendar months preceding the date of his alleged retrenchment. Management has accordingly prayed for dismissal of the workman's case.

5. Heard Mr. Madhusudan Dutta, learned Advocate appearing for the workman and Mr. Tapas Chawdhury, learned Advocate appearing for the management.

6. The workman only examined himself in this case and no document of any importance has been produced by him. Management has examined as many as four witnesses and it has produced some ACG-17 vouchers and ACE-2 accounts along with some other documents.

7. The point that is to be noted first is that the reference itself does not give any indication as to the date of termination of service of the concerned workman. In normal circumstances when the date of termination is not in dispute between the parties, the question does not assume any importance. In the instant case, however, the parties differ regarding the date of termination of service. According to the concerned workman the date of termination of his service is 6-4-1994, while according to the management it is 15-11-1992. The Tribunal having not been called upon to decide the date of termination of service of the concerned workman, it is difficult, if not impossible to consider the question of application of Section 25F of the Industrial Disputes Act, 1947, since it is that date from which the calculation of service of the workman has got to be made. It is to be noted that the concerned workman has prayed for relief on the ground that he has worked for more than 240 days preceding the date of his termination. In the above circumstance the reference becomes not maintainable as the parties are not unanimous about the date of such termination of service.

8. The case of the respective parties in this matter may however be examined as evidence have been led by the parties in this matter. In the instant case, there is difference between the parties in respect of the date of entry into the service of the concerned workman as well as his termination from service. The workman's case is that he joined the service on 26-11-1991, while according to the management it was 1-2-1992. Regarding the termination workman's case is that he was terminated on 6-4-1994. Management has alleged that he was disengaged on 15-11-92. I have already stated that there is absolutely no evidence excepting the solitary uncorroborated testimony of the concerned workman himself to prove any part of his case. Apart from stating the date of joining the service and termination therefrom the workman has stated in his evidence that he had worked continuously during this period and in each year he had rendered 265 days of service. There is no allegation in the written statement to the effect that he had rendered 265 days of service in every year. It is for the first time that the workman has come up before this Tribunal that he had rendered such service. There being no such story of rendering of service for 265 days in every year in the written statement and there being absolutely no evidence to corroborate the concerned workman on this point that this allegation of the workman cannot be said to have been proved.

9. Management's case in this matter is that the concerned workman has worked for a total period of 167 days and that too intermittently from 1-2-1992 to

15-11-1992. Four witnesses were examined on behalf of the management to prove the same. MW-1 is Bikash Chandra Paul who was a J.T.O. of 36/35 Exchange of Calcutta Telephones from 1985 to 1993. The workman in his evidence has stated that his attendance register used to remain with two J.T.Os., namely, Bikash Paul and Bhanu Chowdhury. This Bikash Paul as MW-1 has stated categorically in his evidence that there was no system of maintenance of attendance register for casual workmen at any point of time and the concerned workman never signed the same as he never engaged him. He also denied that he ever maintained any attendance register. Bhanu Chowdhury was examined as MW-2 and he has also stated that the workman never signed any attendance register and there was no system of maintenance of attendance register for casual workmen. He said that such attendance of the casual labourers used to be maintained in loose sheets of papers and after payment of remuneration of such casual labourers through ACG-17 vouchers such papers used to be destroyed. It was suggested to him that some ACG-17 vouchers and ACE-2 accounts were destroyed. MW-3 is Ranjit Acharya, S.D.O.P. The workman has stated in his evidence that he terminated the workman's service. It appears from his evidence that Jayanta Roy and Bhanu Chowdhury were J.T.Os. under him and the concerned workman worked under them for a total period of 167 days and such work of the concerned workman included the entire period of his service. He also stated in his evidence that there may be slight mistake in the ACG-17 vouchers regarding amount of money drawn in respect of a particular labourer, but by and large ACE-2 accounts reflect the correct picture. MW-4 is Jayanta Kumar Roy the J.T.O. He also stated that from 1-2-1992 till 15-11-1992 the workman had really worked for 167 days in total. He also denied the existence of any system of maintenance of attendance register for casual labourers. In his cross-examination he admitted that there is no official instruction for recording attendance of casual labourers in loose sheets of papers and to destroy the same after the ACG-17 vouchers were prepared. These are all the evidence adduced by the parties.

10. Mr. Dutta, learned Advocate for the workman tried to shift the entire onus of proving the workman's case upon the management on the specious plea that all the papers concerning the service of the concerned workman lies in the custody of the management. From the evidence adduced by the management in this case, it is clear that it has produced all the available evidence in the form of ACG-17 vouchers and ACE-2 accounts to prove the days of work of the concerned workman. Mr. Dutta waxed eloquently on the failure of the management to produce attendance register of the concerned workman and submitted that non-production of this record shall raise an adverse presumption against the management that they have been intentionally withheld to conceal the fact that the concerned workman worked 265 days in every year. The basis of the workman's statement that he had worked for 265 days every year has neither been disclosed by the workman himself, nor produced during the trial. The management at least has produced ACG-17 vouchers and ACE-2 accounts as the only evidence available to them for the purpose of showing the work of the concerned workman under the management. In

the above circumstances it is no use asking the Tribunal to raise an adverse presumption in favour of the concerned workman for non-production of attendance register. All the witnesses of the management stated in one voice that no attendance register used to be maintained and no rule or circular having been produced to show that the management was obliged to maintain such register for the casual labourers that no adverse presumption can be drawn against it.

11. In this connection, it must be noted that it is the persistent case of the management that the workman was engaged for a time-bound project work for upgradation of the electromagnetic exchange to electronic exchange. All the witnesses examined by the management have confirmed that the concerned workman was engaged in that project. It appears from the evidence of these witnesses that the project was completed in November, 1992. Though the concerned workman has denied that he was appointed for the purpose of performance of upgradation work, still then, from the evidence of the management's witnesses there remains hardly any doubt that he was appointed for the said purpose. It was accordingly natural that the service of the workman was terminated on the completion of the said project. Two circulars Ext. M-10 and M-11 have also been produced on behalf of the management and they clearly show that the management was extremely reluctant to engage any casual worker and time and again instructions were issued to the officers not to engage casual labourers. In the face of such circulars it is also difficult to believe that the management will allow the casual labourers to work beyond 240 days in a year.

12. So, in the absence of any corroborating evidence on behalf of the workman to prove that he had worked from 26-11-1991 to 6-4-1994 at the rate of 265 days in a year, I am to hold that that case has not been proved at all, specially because of the positive evidence of the management in this matter that he worked from 1-2-1992 to 15-11-1992 for a total period of 167 days, which I find no reason to disbelieve. Mr. Dutta on behalf of the workman referred to the case of KCP Employees' Association, Madras v. Management of KCP Ltd. Madras and Ors., reported in 1978 (1) LLJ 322 and submitted that the benefit of reasonable doubt on law and facts, if there be any such doubt, must go to the weaker section, labour. There is absolutely no dispute over this proposition, but no question of granting of the benefit of doubt on law and facts have arisen in this case. The decision shall not come of any help to the concerned workman. He also referred to the case of H. D. Singh v. Reserve Bank of India and Ors., reported in 1986 (1) I.L.J. 127. The ratio of this case is that adverse presumption can be made if any record is not produced. Here in this case I have shown that all the available records have been produced and no inference can be made for non-production of attendance register in the face of the evidence that there is no system of maintenance of such register for the casual labourers.

13. So, upon consideration of the facts, circumstances evidence on record as well as position of law in the matter, I am to hold that the concerned workman has helplessly failed to prove his case that he has continuously worked in any year during the period

of his service from 1991 to 1994 under the management or that he has worked for a period of 240 days in the year preceding the date of termination of his service which in this case have been proved to be 15-11-1992. The action of the management in terminating his service being thus not unjustified, the workman shall not be entitled to any relief in this case.

This is my Award.

A. K. CHAKRAVARTY, Presiding Officer

नई दिल्ली, 3 अगस्त, 1999

का. आ. 2441.—औद्योगिक विवाद अधिनियम, 1947 (1997 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम्. ई. सी. एल. के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-7-99 को प्राप्त हुआ था।

[सं. एल-22012/428/95-आई. आर. (सी-II)]

वी.एस.एस.पी. राजू, डेस्क अधिकारी

New Delhi, the 3rd August, 1999

S.O. 2441.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SECL and their workman, which was received by the Central Government on the 22-7-99.

[No. L-22012/428/95-IR(C-II)]

V.S.A.S.P. RAJU, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, JABALPUR
PRESIDING OFFICER SHRI D.N. DIXIT

Case No. CGIT/LC/R/75/96

Sub Area Manager,
SECL, Kusmunda Project,
P.O. Kusmunda Project
Dist. Bilaspur (MP) .. Management

Vs.

Chain Das, S/o. Chhedu Das,
C/o. General Secretary,
Chhatishgarh Khadan Karkhana
Mazdoor Union,
P.O. Bankimongra,
Dist. Bilaspur, (MP). .. Workman

AWARD

Delivered on this 27th Day of May 1999

1. Ministry of Labour, Government of India by Order No. L-22012/428/95-IR(C-II) dated 13-3-96 has referred the following dispute for adjudication by this Tribunal :

"Whether the action of the management of SECL Kusmunda Project, Bilaspur in dismissing Sh. Chain Das S/o. Chhedu Das, Ex-EPGH from services w. e. f. 9-1-95 vide Order No. SECL/SAM/KSM/Estb/95/5551 dt. 9-1-95 is justified ? If not, to what relief the workman concerned is entitled ?"

2. The case of the workman is that he was working as Labour in Kusmunda Project. On 17-7-94 Shri P. K. Mishra sent him to his Bangalow for domestic work. In Bangalow the workman refused to wash dirty linen. Shri Mishra denied the attendance to the workman and did not pay him wages for 17-7-94. Next day on 18-7-94 the workman was not taken on work. From 19-7-94 the workman is deprived of the work. The charge sheet was given to the workman on 25-7-94. The workman did not accept the charges and submitted the reply. In enquiry proceedings evidence of management witnesses were recorded. The workman wanted to adduce defence evidence and this was refused. The second charge sheet was given to the workman on 27-10-94 alleging that in state of intoxication, he has abused and misbehaved with the enquiry officer Shri S.A. Adhikari. This charge was false. In the previous enquiry on 29-10-94 the DE Officer proceeded ex-parte and completed the enquiry. Copy of this has not been given to the workman. On 9-1-95 Sub Area Manager, Kusmunda Project terminated the services of the workman. The workman preferred an appeal and the appeal was also rejected. The workman prays that order of termination dt. 9-1-95 be quashed and he be declared to be in the service of the management. The workman also prays for wages and allowances from 9-1-95 till date he is reinstated in service.

3. The case of the management is that on 17-7-94 the workman was posted in 2 p.m. shift. He reported for duty and left work place. Shri P.K. Mishra, Shift Incharge caught the workman and did not pay him the wages. The next day on 18-7-94 at about 2.30 p.m. the workman abused Shri P.K. Mishra and threatened to kill him. Shri P.K. Mishra reported the matter to Dy. Chief Engineer on the same date. A charge sheet was issued to the workman. DE was held against the workman. In the Departmental enquiry, the workman participated and his co-worker cross-examined management witnesses. Inquiry Officer found the workman guilty of misconduct and submitted his report. The

Controlling Officer dismissed the workman from the service. An appeal proffered by the workman has also be rejected. Looking to the gravity of the misconduct punishment awarded to the workman is just and proper. The management wants an award in its favour.

4. By order dt. 1-5-98 this Court found that the procedure adopted by the enquiry officer in departmental enquiry as just, proper, legal and valid.

5. In the Departmental Enquiry, the management has examined Shri P.K. Mishra, Executive Engineer who has stated that the workman has abused him and threatened to assault him and his family members. This version is supported by the statement of Shri H. K. Mukherjee, Foreman. Management witness Shri K. C. Sahu, Foreman also supported the contention of Shri P.K. Mishra. All these 3 witnesses were cross-examined by Co-worker of the workman Shri Shivdas Mohanty.

6. From the statements of these 3 witnesses, it is proved that the workman left the place of work on 17-7-94 after signing the attendance register. The workman has abused his superior Shri P.K. Mishra, Shift Incharge on 18-7-94. The workman has threatened to kill Shri P.K. Mishra and his family members.

7. The workman has not produced any witnesses or documents to prove his innocence. Thus the workman could not contradict the witnesses of the management in respect of the charge levelled against him.

8. The misconduct has been proved by the management against the workman. The nature of misconduct is very serious. The punishment of dismissal is adequate. I hereby confirm the finding of misconduct committed by the workman and the punishment given to him.

9. The award is given in favour of the management. Parties to bear their own costs.

10. Copies of award be sent to Ministry of Labour, Government of India as per rules.

D. N. DIXIT, Presiding Officer

नई दिल्ली, 3 अगस्त, 1999

का. आ. 2442.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. ई. सी. एल. के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में विद्विष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-7-99 को प्राप्त हुआ था।

[सं. एल-22012/414/91-आई. आर. (सी-II)]

वी. एस. ए. एस. पी. राज, डैस्क अधिकारी

New Delhi, the 3rd August, 1999

S.O. 2442.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.E.C.L. and their workman, which was received by the Central Government on 22-07-99.

[No. L-22012/414/91-IR(C-II)]

V.S.A.S.P. RAJU, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

PRESIDING OFFICER, SHRI D. N. DIXIT

CASE NO. CGIT/LC/R/48/92

Sub-Area Manager,
Jainagar Sub-Area,

South Eastern Coalfields Limited,

P.O. Distt. Shahdol (MP). . . Management

Vs.

Secretary, SEMS (AITUC) . . . Union.

AWARD

Delivered on this 25th day of May, 1999

1. The Government of India, Ministry of Labour vide its order no. L-22012/414/91-IRC-II dated 23-3-92 has referred the following dispute for adjudication by this Tribunal.

"Whether the action of the Sub-Area Manager, Jainagar Sub-Area of SECL PO : Bistrampur Colliery, Dist. Surguja, in dismissing Shri Bibhas Kumar Roy, Cat. 1, Mazdoor from company's services w.e.f. 20-8-90 is legal and justified? If not, to what relief the workman is entitled to?"

2. The case of the workman is that he was employed as Cat. I Mazdoor in Jainagar Colliery of Baikunthpur Area of SECL. He was given charge-sheeted on 30-5-90 alleging that he had beaten Shri D. K. Verma and abused him and further threatened him to kidnap his son. The workman, denying charges levelled against him and also pleaded alibi. The departmental enquiry was held and workman participated in it. The enquiry officer found workman guilty and the Controlling Officer dismissed the workman from 28-8-90. The workman appealed but his appeal was also dismissed. As per the workman the charges were vague. Before enquiry he was not told which witnesses will give evidence. The copy of FIR was not given to him. The procedure adopted in enquiry was contrary to the principles of natural justice. The management did not prove the assault or abuses given by the workman. The workman wants that order dt. 20-8-90 by which he has been dismissed be quashed and he deemed to be in service till date. The workman also claims wages and allowances for this period.

3. The case of the management is that the workman assaulted Shri D.K. Verma, Executive Engineer in his house and abused him. The workman further threatened to kidnap his son. The departmental enquiry was held against the workman. The workman participated and every opportunity was given to the workman to defend himself. The enquiry officer found the workman guilty and controlling officer dismissed the workman from service. The workman filed an appeal which was also dismissed. The misconduct of the workman is so grave that the punishment of dismissal from service is the only adequate punishment. The procedure adopted in the departmental enquiry is proper. The management prays that the workman has no case, and award be given in favour of the management.

4. This Court by order dated 14-5-96 has decided that the domestic enquiry is proper, valid and legal. There is no violation of principle of natural justice in the Departmental Enquiry.

5. The charges against the workman are that he went to the house of Shri D. K. Verma, Sr. Executive Engineer and called him out of Banglow and given beating. The workman also abused Shri Verma. The workman further threatened to kidnap son of Shri Verma. Shri Verma reported the matter to Addl. Chief Mining Engineer, Bistrampur Colliery on 29-5-90. The explanation of the workman was called and he pleaded not guilty to the charges. In the Departmental Enquiry Shri D. K. Verma and Shri S.K. Jha stated that the workman has assaulted Shri Verma, abused him and threatened to kidnap his son. Both the witnesses were cross-examined by the Co-worker. Their statement inspires confidence and are natural. Nothing has been shown by the workman that these two witnesses are trying to incriminate the workman. I agree that the charges are proved against the workman.

6. According to the workman at the time of occurrence he was present in a temple. The workman has produced a certificate issued by the Sarpanch and counter signed by Pujari of the temple. In the departmental enquiry these witnesses have not been produced. I agree with the finding of the D.E. Officer that the workman failed to prove his alibi.

7. The workman has assaulted the Sr. Officer without any provocation. He has further abused and threatened to kidnap his son. Each of these charges are of serious nature. The mines of SECL are located in far of places and away from civilian population. If the officers are subjected to beating and abuses and threatened of kidnapping then it will affect their moral and efficiency. In the present case, the workman has acted in a high handed manner and beaten Sr. Officer. The punishment given to him is adequate to the misconducted committed by him. It does not call for interference. The punishment is adequate. The award is given in favour of the management. The workman is not entitled to any relief. Parties to bear their own costs.

8. Copies of the award be sent to Ministry of Labour, Government of India as per rules.

D N. DIXIT, Presiding Officer

नई दिल्ली, 3 अगस्त, 1999

tion ? If so, what relief will be granted to the aggrieved employees of FCI ?”

का. आ. 2443—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ. सी. आई. के प्रबन्धतंत्र के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण गुवाहाटी के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-7-99 को प्राप्त हुआ था।

[सं. एल-22012/58/97-आई. आर. (सी-11)]
वी.एस.ए.एस.पी. राजू, डेस्क अधिकारी

New Delhi, the 3rd August, 1999

S.O. 2443.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Guwahati as shown in the Annexure, in the industrial dispute between the employers in relation to the management of F.C.I. and their workman, which was received by the Central Government on 27-7-99.

[No. L-22012/58/97-IR(C-II)]
V.S.A.S.P. RAJU, Desk Officer

ANNEXURE

IN THE INDUSTRIAL TRIBUNAL : GUWAHATI ASSAM

REFERENCE NO. 3(c) OF 1998

Present :

Sh. K. Sarma, B.A., LL.B., Presiding Officer.
Industrial Tribunal, Guwahati.

In the matter of an Industrial Dispute between :
The Management of F.C.I., Silchar, Assam.

Vs.

The workmen of F.C.I. Employees Union,
Silchar, Assam.

Date of Award : 30-6-99

AWARD

This Industrial dispute has been raised by the Employees Union of F.C.I., Silchar, Assam against their management for transferring some of their employees vide order No. Esstt. 3(2)NEZ/95 dt. 25-10-95 and No. Esstt. 3(2)7NEZ/95 dt. 1-11-95 to N. E. Region from the Assam Region on the following issue :—

“Whether the transfer & posting orders of the management of FCI vide their orders No. Esstt. 3(2)NEZ/95 dt. 25-10-95 and No. Esstt. 3(2)7 NEZ/95 dt. 1-11-95 are violative of any existing Rules of the Corpora-

On receipt of reference, this tribunal has registered this case and issued notice to both the parties to file their written statement and to exchange their documents in support of their respective claim which was accordingly complied with by both the parties. After filing their written statement, both the parties have adduced oral evidence in support of their respective claim and filed some documents. After recording evidence, I have heard the arguments advanced by the learned advocates for both the parties. The main contention of the employee union is that their management has transferred some of their employees from Assam Region to N. E. Region vide aforesaid transfer order violating transfer policy adopted on 4th October, 1990 vide Circular No. 1. As per Clause 3 the circular, the management should effect the inter region transfer of its employees on the regional seniority basis. Their contention is that some of their employees namely Sri Amalendu Dey, Sri Upendra Ch. Nath and Sri S.B. Das Kanangu who are senior to those transferred have not been transferred by the management for a long period of time. As the senior person to them those who have been transferred are not transferred by the management in compliance with transfer policy mentioned above, transfer order is discriminatory and violative to aforesaid policy and hence it should be set aside.

The management on the other hand has contented in their written statement that as per Rule 17 of Food Corporation of India Staff Regulation, 1971, an employee should be liable to serve anywhere in India in the service of the Corporation and to proceed on tour in course of his official duty to any place within India. It is also submitted that in the appointment letter issued to an employee, aforesaid condition has been mentioned. The employees who are now transferred from Assam Region to N. E. Region posting at Aizwal in the State of Mizoram are working at Assam Region at Silchar for the period of last 25 years. Aizwal, where they are transferred is neighbouring State of Assam and at a little distance from Silchar where they are working now, the transferred employees have no scope for raising any objection against the transfer. It is further submitted that the transfer policy on which the employees union base their case is a draft policy which is yet to be finally adopted and given effect to.

After hearing both the parties, I have gone through the records and found that the total Nos. of 25 employees have been transferred by the management vide order No. Esstt. 3(2)NEZ/95 dt. 25-10-95 and No. Esstt. 3(2)7 NEZ/95 dt. 1-11-95 from Silchar to Aizwal. Silchar is in Assam Region and Aizwal being the Capital City of Mizoram which is near by town of Silchar falls in N. E. Region. It is also established from the materials on record that employees transferred have been working at Silchar since 25 years. Clause 17 of the Food Corporation of India Staff Regulation, 1971 has Cost a mandate on the employee to serve in any part of India in F.C.I. Service. This provision runs as follows :—

“R-17—An employee shall be liable to serve any-

where in India in the service of the Corporation and to proceed on tour in the course of his official duty to any place within India".

From the perusal of ext. B, appointment letter I find that this condition has been imposed on an employee to serve in any part of India in FCI service and moment such appointment has been accepted by an employee, this condition becomes binding on him and he or she is bound to serve in any part of the Country. So, both regulation and the condition of appointment have made it obligatory on the part of an employee to serve in any part of India in the interest of FCI service. These employees have been transferred by the management after 25 years of their service in particular region to another region and hence it can not be said that the management has acted anything arbitrarily or against the condition of appointment. Although in the transfer policy it is adopted that inter regional transfer should be made on regional seniority basis, but this is a draft policy as appeared from ext. 1 filed in the case record which is yet to be adopted finally. In view of this, ext. 1 draft transfer policy which has not been adopted until now can not be said to be a barrier against the present transfer made by the management. Moreover, although the employee union in their written statement has mentioned the name of 3 employees, as already mentioned above, as senior to the employee transferred, but it is not established in which place they are working. Be it what it may, as the transfer policy is not finally adopted it can not be held that present transfer is contrary to the said policy or it violates such policy.

For the foregoing reasons, I hold that the transfer affected by the management of FCI vide aforesaid order is not violative to any existing rule of the corporation and transfer policy, and employee union is not entitled to any relief. This reference is answered accordingly in favour of the management.

I give this award on this the 30th June, 1999 under my hand and seal.

K. SARMA, Presiding Officer

नई दिल्ली, 3 अगस्त, 1999

का. आ. 2444.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. ई. सी. एल. के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-7-99 को प्राप्त हुआ था।

[सं. एल-22012/234/94-आई. आर. (सी-II)]
वी.एस.ए.एस.पी. राजू, डेस्क अधिकारी

New Delhi, the 3rd August, 1999

S.O. 2444.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of

the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.E.C.I. and their workman, which was received by the Central Government on 22-7-99.

[No. L-22012(234)/94-IR(C-II)]
V. S. A. S. P. RAJU, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

Presiding Officer, Shri D. N. Dixit.

Case No. CGIT/LC/R/171/94.

Sub Area Manager,
SECL Kusmunda Project,
P.O. Kusmunda Project,
Distt.-Bilaspur.

..Management.

Vs.

Bidhi Chandra Shavel
C/o. General Secy,
Chhatisgarh Khadam Karkhana Mazdoor
Union, Bankimongra, Bilaspur.

..Workman

AWARD

Passed on this 27th Day of May, 1999.

1. Ministry of Labour, Government of India by order No. L-22012(234)/94-IR, C-II dt. 28-9-94 has referred the following dispute for adjudication by this Tribunal :

"Whether the action of the management of Sub Area Manager, SECL, Kusmunda Project is not changing the date of birth as 14-12-1936 as recorded in SLC of Shri Bidhi Chand, Ex-Shovel Operator and retiring from Service w.e.f. 15-10-1992 is justified. If not to what relief the workman is entitled to?"

2. The contention of the workman is that he joined Kurasia Colliery as a driver from 10-5-60. He has given his date of birth at this time as 14-12-36. From this Colliery he was transferred to different collieries and in 1980 he became Shovel Operator at Kusmunda Project. In the year 1984 workman learned that arbitrarily his date of birth has been recorded as 15-10-32. The workman then obtained copy of School Leaving Certificate and filled it to the management. This certificate shows that the date of birth of the workman is 14-12-36. The management did not accept this date of birth and he was retired on 15-10-92. If the management had accepted the date of birth as shown in the School Register, the workman could have retired on 14-12-96. The workman wants that it be declared that his date of birth is 14-12-36 and he should deem to be in service till 14-12-96. The workman claims wages and allowances from 15-10-92 to 14-12-96.

3. The contention of the management is that on 15-10-60. The workman was posted as Dumper Operator and he gave his date of birth as 15-10-32. His date of birth is recorded as 15-10-32 at Manikpur colliery on 17-1-79. It was entered in Form-'B' register and the workman has signed it. The School Leaving Certificate produced by the workman in 1985 is doubtful. The management does not accept the entry of date of birth as shown in School Leaving Certificate. The workman was referred to Area Age Task Force Committee which after hearing the workman confirmed that his date of birth is 15-10-32. The workman preferred an appeal and the Appex Medical Board at Bilaspur confirmed his date of birth as 15-10-32. The management asserts that the date of birth of workman is 15-10-32 and he has been rightly retired from service on 15-10-92. The contention of the workman is false and manipulated. They want the Award in their favour.

4. The workman is facing his case on the School Leaving Certificate produced by him. This document has been issued on 7-12-86. This shows that the workman was admitted to Class-III on 22-1-46. He left the School on 25-5-46. After the lapse of 40 years this certificate has been taken by the workman. The workman has not proved this document by calling the Head Master of the School in the Court. Right from the beginning the management was challenging the truthfulness of the document. In such a situation, the workman would have called the Head Master alongwith the original register of students to prove his date of birth in this Court. This has not been done.

5. The best proof of age could have been the application filed by parents of the workman for his admission in the School. This application has not been produced in the Court. Thus the best evidence which workman could have produced in Court has been kept away from the Court.

6. In cross-examination of the workman on affidavit (date 21-11-97) in para-18 the workman has stated that he received driving licence for heavy vehicles in the year 1953 at Bangalore. This licence is issued only when the driver attains the age of 20. Thus according to workman himself he was 20 years of age in 1953. This disproves the contention of the workman that his correct date of birth is 14-12-36. The workman has further admitted in cross-examination that he is in possession of the driving licence and this also mentions his date of birth. The workman has not filed this driving licence issued in 1953 by RTO Bangalore. If this driving licence has the date of birth as shown in the School Leaving Certificate, the workman could have produced this in Court. The driving licence shows different date of birth than School Leaving Certificate hence the workman has not produced this certificate. The adverse inference is drawn against the workman for non-production of driving licence of heavy vehicle.

7. The extract dt. 15-10-62 certified by colliery manager Korea assigned by the workman. It shows that at the time of appointment on 15-10-60 the workman was 28 years of age.

8. The Task Force Committee also found on 31-5-88 the date of birth of the workman as 15-10-32.

9. Form 'B' register is signed by the workman. In this register the date of birth is recorded as 15-10-32. This is a mandatory document under the Mines Act.

10. The burden of proving the date of birth to be 14-12-36 is on the workman. The workman only produced School Leaving Certificate. He has not examined any other witness to prove his contention. The workman miserably failed to prove that his date of birth is 14-12-26.

11. As against this, the management has established that the workman himself give his age as 28 years in the year 1960. Copy of service record shows that his date of birth was recorded on 14-12-32 and the workman has signed in it. Task Force Committee also examined the case of workman and found this date of birth to be correct. The workman has given his date of birth at that time of that time of filling of Form 'B' register as 14-12-32. The workman has signed this register. This evidence produced by the management is reliable.

12. I find that workman failed to prove that his date of birth was 14-12-36. The date of birth as recorded by the management 15-12-32 is correct. The workman has been rightly retired from service from 15-12-92.

13. The award is given in favour of the management and against the workman. Parties to bear their own costs.

14. Copies of Award be sent to Ministry of Labour, Government of India as per rules.

D. N. DIXIT, Presiding Officer

नई दिल्ली, 6 अगस्त, 1999

का. घा. 2445—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार कोचीन रिफाइनरी लिमि. के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार लेबर कोर्ट एरनाकुलम के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-8-99 को प्राप्त हुआ था।

[एल-30012/12/92-आई.आर. (मिसिल) (सी I)]

वी. एस. ए. एस. पी. राजू, डेस्क अधिकारी

New Delhi, the 6th August, 1999

S.O. 2445.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Labour Court Ernakulam as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Cochin Refineries Ltd., and their workman, which was received by the Central Government on 3-8-99.

[L-30012/12/92-IR (Misc.) (C-I)]
V. S. A. S. P. RAJU, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT LABOUR,
COURT, ERNAKULAM

(Labour Court, Ernakulam)

(Wednesday, the 30th day of June, 1999)

PRESENT

Shri D. Mohanarajan, B.Sc., LLB., Presiding Officer.

Industrial Dispute No. 12 of 1992(C)

BETWEEN

The General Manager (P&A), Cochin Refineries
Limited, Post Bag No. 2, Ambalamughal,
682 302 (Kerala),

AND

Sri. A. Sakthidharan, Ex-Sergeant Fire Truck
Driver of CRL, East Alappat House, Ravi-
puram, Ernakulam, Cochin-582 016,
(Kerala).

REPRESENTATIONS :

M/s. Menon & Pai,
Advocates, Kochi-18. ... For Management.Sri. M. Ramachandran,
Advocate, Kochi-17. ... For Workman.

AWARD

Dismissal of Sri. A. Sakthidharan is the issue referred for adjudication to this court by the Government. The dismissal was after a domestic enquiry. The contention of the workman that there was no proper domestic enquiry was negated by me by my preliminary order dated 9-6-99. It was also held that the finding of misconduct by the enquiry officer is correct. The circumstances under which disciplinary proceedings were initiated and the contentions taken up by the parties are all stated in detail in that order which is quoted below for avoiding repetition.

"PRELIMINARY ORDER

The issue referred for adjudication to this court is :

"Whether the action of the management of the Cochin Refineries Limited, Ambalamughal, Cochin (Kerala) in dismissing Sri A. Sakthidharan, Sergeant Fire Truck Driver, w.e.f. 17-1-1984 is justified? If not, to what relief the concerned workman is entitled."

(2) In response to the notice issued from this court, the workman and the management entered appearance and submitted their respective pleadings.

(3) The claim statement reads in brief as follows: While the workman was working as Sergeant Fire Truck Driver, on 30-6-1983 the management issued him a show cause notice alleging that he threatened

one Oommen Mathari, a co-worker with dire consequences by showing a knife, blocked the exit and detained him inside the office room and intimidated man. On the same day the workman submitted an explanation, denying all the allegations and explaining the circumstances under which the show cause notice was unnecessarily issued. As his explanations were not acceptable to the management, an enquiry was ordered into the charges levelled against him. In fact, the enquiry officer adopted a partisan approach from the very beginning and conducted the enquiry violating all principles of natural justice. The request of the workman to make available important witnesses was denied by the enquiry officer. The relevant records in the custody of the management were not call for, ignoring the requests of the workman for the same. Enquiry Officer relied on the uncorroborated testimony of the interested managerial witnesses and found the workman guilty. The contradictory versions of those witnesses were overlooked by him. At any rate, the findings of the enquiry officer are perverse and liable to be set aside. On the basis of the enquiry report workman has dismissed from the services of the management w.e.f. 17-1-1984. The punishment of dismissal is highly excessive and disproportionate to the alleged charges. Though the criminal case charged by the police against him regarding the same incident had been pending for several years, ultimately he was acquitted by the learned Magistrate. The workman is out of employment ever since 1984 and having absolutely no means of livelihood. Hence it is prayed that an award may be passed directing the management to reinstate him with consequential benefits.

(4) The contentions of the management in the written statement are summarised below : The workman was dismissed on 17-1-1984. But the dispute has been raised after a considerable delay of more than 8 years. The reference order is therefore illegal and without any merit. The workman was charge sheeted on the allegation that at about 11.15 p.m. on 21-6-83 he unauthorisedly trespassed into the security office of the management and threatened Mr. Oommen Mathai, head sergeant with dire consequences by showing a dangerous knife, blocked the exit, detained him inside the office and intimidated him. The above acts of the workman are misconducts as per clauses 29.14, 29.15 and 29.19 of the standing orders of the management company. The above charge sheet was given after issuing notice and after considering his explanation. A domestic enquiry was held into the above charges in accordance with the principles of natural justice. The enquiry officer was an independent outsider, an advocate practising in the High Court of Kerala. The management was represented by a presenting officer. The workman was represented by a co-worker of his own choice as requested by him. He was allowed to cross-examine the witnesses examined in support of his charges. Workman also adduced evidence in support of his defence. One of the witnesses cited by the workman was the Chief Security Officer Mr. Vijayaraghavan. Since he did not turn up, the workman during the enquiry submitted that the said witness proposed by him was given up. Every day proceedings were recorded by the enquiry officer who gave copies of the proceedings and depositions

of witnesses to both parties on the said day. No complaint was raised by the workman or his representative regarding the procedure adopted in the enquiry. From the evidence available in the enquiry, the enquiry officer found that the workman was guilty of the misconduct alleged against him in the charge sheet. All the principles of natural justice were complied with while conducting enquiry. The allegation that enquiry officer has adopted a partisan approach is incorrect. If enquiry is held to be not fair on any grounds, management may be allowed to prove the misconducts by adducing fresh evidence before this court. Nature of evidence and proof required in criminal case and domestic enquiry are different. The misconduct proved against the workman was very grave and serious so as to warrant the punishment of dismissal. He is not entitled to reinstatement with or without backwages or to any other relief.

(5) In the rejoinder filed by the workman the allegations in the claim statement are reiterated and the contentions of the management in the written statement are refuted. It is further averred in the rejoinder that the delay in raising the dispute was due to the pendency of the criminal case and there was absolutely no laches on the part of the workman.

(6) In view of the above contentions of the parties, the validity of the enquiry was tried as a preliminary issue. MWs. 1 to 3 were examined and Ext. M1 to M5 series were marked.

(7) The points that emerge for consideration are:

- (i) Whether there was a proper and valid enquiry?
- (ii) Whether the findings of the enquiry officer are supported by legal evidence?

(8) The Points : The workman was a Sergeant Fire Truck Driver under the management. He was charged sheeted on the allegation that on 21-6-1993 at about 11-15 p.m. he forcefully entered into the security office of the company of the management and criminally intimidated the head Sergeant Oommen Mathai by showing a dangerous knife and detained him inside the security office after blocking the exit. He was issued show cause notice. As the explanation to this notice was unsatisfactory, the management decided to conduct a domestic enquiry into the charges levelled against him. Advocate Sri P. R. Raman was appointed as the enquiry officer. In the enquiry held by him both the parties participated through out. The workman was assisted by a co-worker of his choice in the enquiry. The enquiry officer examined 8 witnesses and marked 2 documents for the management and three witnesses and one document for the workman. On an evaluation of the evidence let in by both parties, enquiry officer entered into a finding that the workman is guilty of the misconduct charged against him. Accepting the report of the enquiry officer the management dismissed the workman from service w.e.f. 17-1-1984.

(9) The main contention of the workman is that the enquiry was not in accordance with the principles of natural justice and that the findings of the enquiry

officer are not supported by legal evidence. The management cited and examined the enquiry officer as MW1, through whom Ext. M1 enquiry file and Ext. M1 (a) enquiry proceedings were marked. In Ext. M1 file the depositions of all the witnesses examined by MW1 and the documents produced from both sides and marked in the enquiry find place. But only an unattested typed copy of the report submitted by the enquiry officer figures in Ext. M1 file. This fact came to the notice of both parties only when the enquiry officer was examined in court. Thereafter the management filed a miscellaneous petition seeking to give direction to the workman to produce the copy of the enquiry report supplied to him by the management, on the allegation that the original report kept by it was lost in a fire occurred in the company. That application was ultimately allowed by this court. Thereupon the workman produced the copy of the enquiry report furnished to him by the management. That copy was marked as Ext. M4.

(10) In order to prove the contents in Ext. M4, the Managements cited and examined its Deputy General Manager as MW2 and Manager (Materials) as MW3. What MW2 has deposed in court is that Ext. M4 was issued along with Ext. M2 show cause notice to the workman and that after satisfying that Ext. M4 was the true copy of the original enquiry report he assigned his signature in Ext. M4 as an attested true copy of the original. He has further gone to the extent of saying that as a criminal case against the workman was in existence regarding the similar charges, the original of the enquiry report was entrusted with the security department of the company and that on 8-3-1984 a portion of the company building, including the security office was caught fire, in consequence of which the original enquiry report and some other documents kept in the security office were destroyed by fire. Ext. M5 series, 8 in number are the paper reports indicating the said fire occurrence. MW3 has given evidence that it was he who typed Ext. M4 on seeing the original report, while he was acting as the Secretary to the Manager (Personnel) of the Management company. He has further affirmed that the entries in Malayalam in page No. 5 of Ext. M4 was made by him in his handwriting. Nothing substantial has been brought out in cross-examination to discredit the above statements spoken to by MWs 2 and 3. Further it has to be noted that the authenticity of Ext. M4 was never questioned by the workman till the application for the production of the same was made by the management. Moreover the contents in Exts. M4 are in conformity with those in the unattested typed copy of the report figured in Ext. M1 file. For the foregoing reasons, I am inclined to hold that the contents of the enquiry report submitted by MW1 has been properly proved by the management by way of secondary evidence within the meaning of section 65 of the Indian Evidence Act.

(11) Further, as held by the Apex Court in State of Maharashtra and another Vs. Madhukar Narayan Mardikar (1991 1 LLJ 269) the evidence has to be evaluated bearing in mind the fact that the original report submitted by the enquiry officer was irrecoverably lost. In such a situation the management can not be blamed for the non-production of the original enquiry report. Whereas, the affected workman was

furnished with Ext. M4, the copy of the report along with Ext. M2 notice calling upon his explanation on the aspect of the punishment to be imposed. The fact that he received Exts. M2 and M4 has been frankly admitted by him through Ext. 3 letter.

(12) In the instant case, Ext. M1 file consists of all the records submitted to the management by the enquiry officer including the deposition of witnesses examined by him and the documents relied on by both parties in the enquiry, other than the original enquiry report. The management has succeeded in the matter of causing to produce Ext. M4, the copy of the enquiry report and proving the contents thereof by adducing secondary evidence.

(13) Every day's proceedings are seen recorded by the enquiry officer in detail in Ext. M1(a) from which it is evident that both sides were given copies of the proceedings and depositions of witnesses on the same dates. The testimony of the enquiry officer as MW1 in conformity with Ext. M1(a) proceedings that sufficient opportunities were given to the workman to defend his case in the enquiry was not seriously challenged in cross-examination. The workman was assisted in the enquiry by a co-worker of his own choice. All the managerial witnesses were effectively cross-examined by him. In order to substantiate his defence, he had produced three witnesses and examined them. In the list of witnesses he had also cited the chief security officer Mr. Vijayaraghavan as a witness. According to the workman, as he was not in a position to produce this witness, he sought assistance of the enquiry officer to get him summoned and examined as a witness, and unfortunately the enquiry officer had not summoned him to give evidence in the enquiry. When MW1 was cross-examined, he has told that he was unable to allow the said request of the workman as no enquiry officer has any summoning power. I agree with MW1 that being an enquiry officer he had no power to summon any person as a witness. It is for the parties to produce their witnesses for examination in the enquiry. I am unable to agree with the workman that the enquiry officer has conducted the enquiry violating the principles of natural justice. When viewed in the light of the disinterested testimony of MW1 with reference to the entries in Ext. M1(a) proceedings, it cannot be said that enquiry proceedings suffered from infirmities and irregularities and that no fair domestic enquiry was held.

(14) It has come out in evidence that the police had charge sheeted a criminal case as C.C. No. 328/1983 against the workman regarding the same incident. First, the learned Magistrate convicted and sentenced him. He took up the matter in appeal and as per the order of the appellate court the criminal case was retried and he was ultimately acquitted by the learned Magistrate. It is now settled law that findings in a criminal case has nothing to do with the findings in the domestic enquiry. The nature of evidence and proof required in criminal case and domestic enquiry are different. As far as disciplinary proceedings are concerned, the findings of the criminal court are immaterial.

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(15) On an evaluation of Ext. M1 file as a whole, it appears to me that the findings of the enquiry officer on the charges of misconduct levelled against the workman are based on the evidence on record. It can be rightly said that the enquiry officer has appreciated the evidence let in by the parties in the correct perspective. I am unable to agree with the workman that the findings of the enquiry officer are perverse and liable to be set aside. Certainly there was a proper and fair enquiry and the findings of the enquiry officer are supported by legal evidence. The points are answered as indicated above.

In the result, it is hereby ordered that there was a fair and proper enquiry and that the findings of the enquiry officer are supported by legal evidence."

2. I have already entered into a finding that there was a fair and proper enquiry and that the findings of the enquiry officer are supported by legal evidence. The only question remaining for consideration is as to the sustainability of the punishment imposed on the workman. Both sides were heard on this aspect.

3. The workman joined the service of the management company on 1-12-1976 and was dismissed from service on 16-1-1984. Before joining the management company he had 15 years service in the Army. It appears that only once in the course of long unblemished service he became violent and committed misconduct by intimidating one of his co-workers. The punishment must always be commensurate with the gravity of the misconduct charged and proved. This principle is laid down in the Apex Court decisions reported in AIR 1989 S. C. 149 (Scooter India Limited, Lucknow Vs. Labour Court, Lucknow and others) and 1996 (II) LLJ 335 (Palghat BFL & PSP Thozhil Union Vs. BPL India Limited and another). The extreme penalty of dismissal imposed by the employer on the employee was not justified in the facts and circumstances of this case. This Court has jurisdiction and power under section 11A of the Industrial Disputes Act to substitute a lesser punishment in place of that awarded by the employer.

4. The fact that the workman at present is 56 years old and is having about 4 years to attain superannuation is not in dispute. This court is well justified in taking a lenient view in the matter of punishment. The management has not been able to establish that the workman was or is gainfully employed since the date of dismissal. In my opinion, he will be reinstated in service with 50 per cent backwages.

5. The learned counsel appearing for the management brought my attention to the fact that because of the laches on the part of the workman, some delay was occurred in referring this dispute to this court. According to the management, they are not liable to pay backwages, atleast for a period of 5 years as they cannot be blamed for the inordinate delay. I find much force on the said contention of the management. Hence their liability to pay 50 per cent backwages is to be limited to the period between 17-1-1989 and the date of award. An award has to be passed as indicated above.

In the result, an award is passed directing the management to reinstate the workman in service with 50 per cent backwages from 17-1-1989 till this date.

This award shall come into force on the expiry of 30 days from the date of its publication in the Government Gazette.

Dictated to the Confidential Assistant, transcribed and typed out by her corrected by me and passed this the 30th day of June, 1999.

Ernakulam

D. MOHANARAJAN, Presiding Officer

APPENDIX

Witnesses examined on the side of Management:

MW1. Sri P. R. Raman.

MW2. Sri H. A. C. Pothen.

MW3. Sri K. K. Francis.

Exhibits marked on the side of Management :

Ext. M1—Enquiry file.

Ext. M1(a)—Proceedings of the enquiry in Ext. M1 file.

Ext. M2—Copy of a letter to the workman by the management dated 27-12-1983.

Ext. M3—Letter dated 28-12-1983 from Sakthidharan addressed to the Executive Director.

Ext. M4—Copy of the enquiry report furnished to him by the management.

Ext. M5 series—Press clippings describing the fire and its impact on the buildings and structures in Cochin Refineries Ltd. on account of the explosion on 8-3-1994.

नई दिल्ली, 6 अगस्त, 1999

का. आ. 2446.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी. सी. सी. एल. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-8-99 को प्राप्त हुआ था।

[एल-24012/202/86-डी IV (बी) आई. आर. (सी-1)]
बी.एस.ए.एस.पी. राजू, डेस्क अधिकारी

New Delhi, the 6th August, 1999

S.O. 2446.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCC Ltd. and their workman, which was received by the Central Government on 3rd August, 1999.

[No. L-24012/202/86-D-IV(B)IR(C-1)]
V. S. A.S.P. RAJU, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. B. Chatterjee, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

REFERENCE NO. 184 OF 1987

PARTIES :

Employers in relation to the management of Bhowra (South) Colliery of M/s. BCC Ltd and their workman.

APPEARANCES :

On behalf of the workmen : None.

On behalf of the employers : None.

State : Bihar.

Industry : Coal.

Dated, Dhanbad, the 26th July, 1999

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012/202/86-D. IV(B), dated, the 29th June, 1987.

SCHEDULE

"Whether the action of the management of Bhowra (South) Colliery of Bhowra (Area No. XI of M/s. BCC Ltd) in not giving protection of wages to Sri Budhiram Rabidas. Ex. D. C. Londer is justified? If not, to what relief the workman is entitled?"

2. In this case both the parties appeared before this Tribunal and filed their respective W.S. Subsequently both the parties abstained from appearing before this Tribunal and taking any steps. The reference is pending since 1987 and it is of no use to drag the same any more. Under such circumstances a 'No dispute' Award is being rendered and the reference is disposed of on 'No dispute' Award basis on the presumption of non-existence of any industrial dispute between the parties, presently.

B. B. CHATTERJEE, Presiding Officer

नई दिल्ली, 6 अगस्त, 1999

का. आ. 2447.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी. सी. सी. एल. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-8-99 को प्राप्त हुआ था।

[एल-20012/299/95-आई. आर. (सी-I)]
बी.एस.ए.एस.पी. राजू, डेस्क अधिकारी

New Delhi, the 6th August, 1999

S.O. 2447.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation

to the management of M/s. B.C.C. Ltd. and their workman, which was received by the Central Government on 3-8-1999.

[No. L-20012/299/95-IR(C-1)]

V.S.A.S.P. RAJU, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. B. Chatterjee, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1) (d) of the I.D. Act, 1947

REFERENCE NO. 111 OF 1996

PARTIES :

Employers in relation to the management of Lodna Coke Plant of M/s. B.C.C. Ltd. and their workman.

APPEARANCES :

On behalf of the workmen : None.

On behalf of the employers : None.

STATE : Bihar

INDUSTRY : Coal

Dated, Dhanbad, the 27th July, 1999

AWARD

In this reference none of the parties turned up before powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/299/95-I.R. (Coal-I), dated, the 11th October, 1995.

SCHEDULE

"Whether the Union is justified in demanding employment for the dependant of Shri Moti Lal Nonia under the provisions of para 9.4.2 of N.C.W.A. IV ? If so, to what relief is the said workman entitled ?"

In this reference none of the parties turned up before this Tribunal nor took any steps although notices were issued to them again and again leading to the inference of non-existence of any industrial dispute between the parties. The reference is pending since 1996 and it is of no use to drag the same any more. Under such circumstances a 'No dispute' Award is being rendered and the reference is disposed of on 'No dispute' Award basis on the presumption of non-existence of any industrial dispute between the parties.

B. B. CHATTERJEE, Presiding Officer

नई दिल्ली, 6 अगस्त, 1999

का. आ. 2448.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स सी. सी. एल. के प्रबन्धसंज्ञ के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-8-99 को प्राप्त हुआ था।

[सं एल-20012/288/93-आई. आर. (सी-1)]

बी. एस. ए. एस. पी. राजू, डेस्क अधिकारी

New Delhi, the 6th August, 1999

S.O. 2448.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. C. C. Ltd. and their workman, which was received by the Central Government on 3-8-99.

[No. L-20012/288/93-IR(C-1)]

V.S.A.S.P. RAJU, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. B. Chatterjee, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1) of the I.D. Act, 1947

REFERENCE NO. 109 OF 1995

PARTIES :

Employers in relation to the management of Central Coalfields Ltd., Ranchi and their workman.

APPEARANCES :

On behalf of the workman : None.

On behalf of the employers : None.

STATE : Bihar

INDUSTRY : Coal

Dated, Dhanbad, the 27th July, 1999

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/288/93-I.R. (Coal-I), dated, the 30th August, 1995.

SCHEDULE

"Whether the workmen (Daily rated) employed at Hqrs. of M/s. Central Coalfields Ltd. at Darbhanga House by the management of M/s. Central Coalfields Ltd. Hqrs. Ranchi are entitled for payment of Overtime at the rate of double the normal wages when performing duties beyond normal working hours, (minimum eight hours) w.e.f. 1-1-87 ? If not, to what relief the workmen are entitled and from what date?"

2. In this reference none of the parties turned up before this Tribunal nor took any steps although notices were issued to them again and again leading to an inference of non-existence of any industrial dispute between the parties. The reference is pending since 1995 and it is of no use to drag the same any more. Under such circumstances a 'No dispute' Award is being rendered and the reference is disposed of on 'No dispute' Award basis on the presumption of non-existence of any industrial dispute between the parties presently.

B. B. CHATTERJEE, Presiding Officer

नई दिल्ली, 6 अगस्त, 1999

का. आ. 2449.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी. सी. सी. एल. के प्रबन्धसंज्ञ के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-8-99 को प्राप्त हुआ था।

[सं. एल-20012/249/92-आई. आर. (सी-1)]

बी. एस. ए. एस. पी. राजू, डेस्क अधिकारी

New Delhi, the 6th August, 1999

S.O. 2449.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No.-2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. BCC Ltd. and their workman, which was received by the Central Government on 3rd August, 1999.

[L-20012/(249)/92-IR(C-I)]

V. S. A. S. P. RAJU, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT

Shri B. B. Chatterjee,
Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1) (d) of the I.D. Act., 1947.

REFERENCE NO. 167 OF 1993

PARTIES :

Employers in relation to the management of NLOCP of M/s. BCCL Area No. XII of M/s. BCCL and their workmen.

APPEARANCES :

On behalf of the workman : None

On behalf of the employers : None.

State : Bihar.

Industry : Coal.

Dated, Dhanbad, the 29th July, 1999

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(249)/92-I.R. (Coal-I), dated, the 21st September, 1993.

SCHEDULE

"Whether the action of the management of NLOCP of M/s. BCCL, Area No. XII in superannuating Shri Karu Bhuiya-I, Wagon Loader w.e.f. 9-7-92 is justified? If not, to what relief the concerned workman is entitled to?"

2. In this reference none of the parties appeared before this Tribunal nor took any steps although notices were issued to them again and again leading to an inference of non-existence of any industrial dispute between the parties presently. The reference is pending before this Tribunal since 1993 and it is of no use to drag the same year after year for taking steps by the parties. Under such circumstances, a 'No dispute' Award is being rendered and the reference is disposed of on 'No dispute' Award basis on the presumption of non-existence of any industrial dispute between the parties presently.

B. B. CHATTERJEE, Presiding Officer

नई दिल्ली, 6 अगस्त, 1999

का. आ. 2450.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सैसर्स टिम्को के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 1, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-8-99 को प्राप्त हुआ था।

[एन-20012/176/91-आई आर. (सी-1)]

बी.एस.ए.एस.पी. राजू, डेस्क अधिकारी

New Delhi, the 6th August, 1999

S.O. 2450.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No.-1, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. TISCO and their workman, which was received by the Central Government on 3rd August, 1999.

[L-20012/(176)/91-IR(C-I)]
V.S.A.S.P. RAJU, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD

In the matter of a reference under section 10(1)(d)(2A) of the Industrial Disputes Act, 1947.

Reference No. 124 of 1991

PARTIES :

Employers in relation to the management of West Bokaro Colliery of M/s. TISCO Ltd.

AND

Their Workmen

PRESENT :

Shri Sarju Prasad,
Presiding Officer.

Appearances :

For the Employers : Shri B. Joshi, Advocate.

For the Workmen : Shri D. Mukherjee, Advocate.

State : Bihar.

Industry : Coal.

Dated, the 22nd July, 1999

AWARD

By Order No. L-20012(176)/91-I.R.(Coal-I) dated, the 25th November, 1991 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause(d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of West Bokaro Colliery of M/s. TISCO Ltd., P.O. Ghatotand, Dist. Hazaribagh in dismissing Binod Kumar Singh, an Ex. Mining Sirdar from Services w.e.f. 1-10-90 is legal and justified? If not, to what relief the workman is entitled?"

2. The workman and the union and the management have filed their separate written statements. From the written statements of both the parties it is an admitted case that the management issued a chargesheet dated 28-3-90, Ext. M-1, in which it was alleged that on 24-3-90 the concerned workman, Binod Kumar Singh, was in 1st Shift duty i.e. from 7.00 A.M. to 3.00 P.M. as Mining Sirdar in G-2 District of West Bokaro Colliery of M/s. TISCO. It has been alleged in the chargesheet that Sri Mohan Yechoor, Asstt. Manager (Underground) had reported that on 24-3-90 no mining operation was to be conducted in G-2 district due to some technical reason. Therefore the concerned workman, Binod Kumar Singh, was offered alternative job of supervision in underground in some other mining district in which he was normally deputed but the concerned workman, Binod Kumar Singh, refused alternative job and uttered "HUM TUMKO DEKH LENGE" to Sri Mohan Yechoor and he got himself marked out. It is further alleged that on that very day at about 1 P.M. when Sri Mohan Yechoor, Asstt. Manager (underground) was leaving underground premises he was obstructed by the concerned workman Binod Kumar Singh, by standing his motorcycle in front of the motorcycle of Sri Mohan Yechoor. The Security Control Room was informed by Sri Mohan Yechoor and then the Security Officer, namely, Sri K. P. Singh and other security personnels arrived at the spot and they tried to persuade the concerned workman, Binod Kumar Singh, to desist from such unruly and unwarranted

act: Sri Mohan Yechoor was advised by the security personnels to proceed on his motorcycle but hardly he had proceeded about 50 feet from that place the concerned workman, Binod Kumar Singh, started his Rajdoot motorcycle all on a sudden and rushed towards Sri Yechoor and ultimately dashed against his motorcycle with intention to run over Sri Yechoor as a result of which Sri Mohan Yechoor fell down from his motorcycle and got injury and his motorcycle was damaged. Thereafter it is alleged that the concerned workman, Binod Kumar Singh, uttered "AFSARON KI MAN-MANI NAHIN CHALEGI, HAM DEKH LENGE, TUM YAHAN KAISE RAHTA HAI, TUM SALA SAMAJHATA KYA HAI, HAM JO CHAHENGE WAHI HOGA." According to the management it is a serious misconduct under Clause No. 27(5) of the Certified Standing Orders of the Company.

3. The workman, Binod Kumar Singh, submitted his explanation, Ext. M-2, in which he has admitted that on the alleged date of occurrence i.e. on 24-3-90 he was in duty as Mining Sirdar in 1st Shift from 7.00 A.M. to 3.00 P.M. and Sri Mohan Yechoor, Asstt. Manager (U/G) was his Shift Incharge. He has also admitted that on that date Sri Yechoor told him that there would be no work in that area and therefore he should do alternative job of supervision of cleaning operation, but when he told Sri Yechoor that his duty was that of a Shot Firer, then he was offered alternative job at another district. But he refused to work any alternative job on the ground that there is a practice in West Bokaro Colliery to go free if there is no work in his work site and the other workers are given to spare mining staff. Therefore, he should be allowed to go up with full benefits but Sri Yechoor did not listen to his plea and insisted him to do alternative job at other mining district. Therefore he got his attendance scored of losing one day's wages. So far allegation of obstructing the path of Sri Mohan Yechoor and dashing the motorcycle is concerned he has explained that the allegations are exaggerated and concocted and he has not intentionally dashed against the motorcycle of Sri Yechoor rather when both were riding motorcycle there was touch of leg guard of his motorcycle with the motorcycle of Sri Yechoor and Sri Yechoor applied brake but neither he fell down nor his motorcycle was damaged.

4. The management did not find the reply of the concerned workman as satisfactory and an enquiry was constituted by the Manager (Operation) and Sri S. K. Prasad, Senior Personnel Officer, was appointed Enquiry Officer.

5. The management conducted a domestic enquiry and the Enquiry Officer found the concerned workman guilty of misconduct as contained in Clause 27(5) of the Certified Standing Orders of the Company and on that basis the concerned workman, Binod Kumar Singh, has been dismissed by letter dated 24/25-9-90, Ext. M-6.

6. Although in the written statement of the concerned workman the domestic enquiry was assailed unfair and improper, but after examination of a witness by the management as MW-1, Sri Mohan Yechoor, the workman's Advocate conceded that the domestic enquiry held by the management is proper and fair.

7. Thereafter the matters were heard on merit by my predecessor who submitted an Award dated 1-1-97 justifying the action of the management. Against that award a writ petition was filed before the Hon'ble Patna High Court, Ranchi Bench, which was registered as CWJC No. 1332/97(R). In the aforesaid writ petition it was found by the Hon'ble Court that since the then Presiding Officer of this Tribunal has passed his award not upon the merit of the evidence recorded in the domestic enquiry but has passed his award on the finding of the Criminal Court by which the concerned workman was convicted and let off under Probation of Offenders Act and that judgement was also upheld by the Appellate Court. Since the Hon'ble Supreme Court in the case of *The Workmen of M/s. Firestone Tyre & Rubber Co. of India Pvt. Ltd. Vs. The Management and others* and in case of *Uy. General Manager, Larson & Toubro Ltd. Vs. Sheikh Ismail Mohammed*, reported in AIR 1973 (SC) 1227, the scope of Section 11-A of the Industrial Disputes Act has been discussed and in that case it has been clearly held that when the domestic enquiry is found to be

fair and proper then in that case the Tribunal or Labour Court is to consider the evidence recorded during the domestic enquiry as an Appellate Court and thereafter the Tribunal or Labour Court has to see whether the punishment awarded by the management is proper and proportionate to the charges of misconduct. In that case it has been clearly held that in such no other evidence is to be looked into. But since my predecessor had passed his award not on the basis of materials collected in the domestic enquiry rather he had passed his award on some other evidence i.e. the judgement of the criminal case finding the concerned workman guilty. The award had been set aside and the matter has been remanded to this Tribunal.

8. After the remand of the case I have heard both the parties and they have relied their previous written arguments in support of their claim.

9. From the argument made by the learned lawyer of both the parties and also from the direction of the Hon'ble High Court two points are to be considered in giving award in this reference case, the first one is whether on the basis of the materials on record in the domestic enquiry conducted by the management the charges of misconduct as referred under Clause 27(5) of the Certified Standing Orders of the Company is established. The second point to be considered in this award is if the charge of misconduct is proved then whether the punishment awarded by the management is proportionate to the alleged misconduct, if not, what relief the workman is entitled to.

10. So far the first point is concerned I find that the management has brought on record the entire proceedings of the domestic enquiry and got the same examined the case of workman and found this case Ext. M-2 is the reply of the chargesheet by the concerned workman, Ext. M-3 is the letter of appointment of the Enquiry Officer, Ext. M-4 is the enquiry proceedings, Ext. M-5 is the enquiry report dated 10-5-90, Ext. M-6 is the letter of dismissal dated 24/25-9-90 dismissing the concerned workman, Binod Kumar Singh, Ext. M-7 is photo copy of Form-I and Ext. M-8 is the photo copy of the Standing Order for Coal Mining Industry which is applicable to the concerned workman also.

11. The management in order to establish the charge of misconduct has examined Sri Mohan Yechoor, complainant and besides him the management has examined Sri S. K. Jha, Security Officer, Sri K. P. Singh, Security Officer, Sri Rakesh Kumar, Security Officer, one Salauddin, a Mazdoor, Sri Ram Manothar Singh, Attendance Clerk and Sri D. K. Nanda, Addl. Manager. Besides that they have also filed copy of enquiry report showing inquiry on the person of Sri Mohan Yechoor found on 24-3-90 at 4.50 P.M. On the other hand the workman has examined himself and two witnesses, Sri Abdesi Singh and Sri Udai Kant Singh.

12. From the evidence of the management's witnesses I find that Sri Mohan Yechoor, Asstt. Manager (Under ground) was the Shift Incharge of the concerned workman had disobeyed his order for alter-as Mining Sirdar. He has fully supported the allegation made out against the concerned workman and from his evidence it is fully established that the concerned workman had disobeyed his order for alternative job and had threatened him to correct him (TUM KO THIK KAR DENGA). He has further supported the allegation that when he came out of the underground about 1 P.M. he was obstructed by the concerned workman by his motorcycle and when he asked him to go then he was not allowed to go away.

Then he informed the matter to Mr. D. K. Nanda, the then Asstt. Manager who informed the security personnels and Security Officer, Sri K. P. Singh, Sri Rakesh Kumar and Sri S. K. Jha came there and they tried to persuade the concerned workman and asked him not to behave in such a manner. Thereafter the security personnels asked Sri Yechoor to proceed and when he proceeded he was intentionally dashed by the concerned workman by his Rajdoot motorcycle as a result of which he fell down and sustained minor injury and at that time also the concerned workman uttered "AFSARO KA MANMANI NAHIN CHALEGI, HUM DEKH LENGE, TUM YAHAN KAISE RAHTE HO, TUM SALA SAMAJHATA KYA HAI, HUM JO CHAHENGE WAHI HOGA". This evidence of Sri Yechoor has been supported by Sri S. K. Jha, K. P. Singh and Rakesh Kumar also who are security officers. In cross-examination of these witnesses there is absolutely nothing to disbelieve their testimonies. The Security Officer, S. K. Jha has also supported that the concerned workman, Binod Kumar Singh, said—"MAIN TUMKO DEKH LOONGA". Sri K. P. Singh another Security Officer has also supported that Binod Kumar Singh not only obstructed the way of Sri Yechoor but had also dashed his motorcycle intentionally by his own motorcycle and uttered—"AFSARO KI MANMANI NAHIN CHALEGA, HUM DEKH LENGE, TUM YAHAN KAISE RAHTA HAI, TUM SALA SAMAJHATA KYA HAI, HAM JO CHAHENGE WAHI HOGA." Rakesh Kumar, another Security Officer, also supported these allegations in his evidence. The management's witness Salauddin has also supported the allegation that the concerned workman had obstructed the path of Sri Yechoor, Asstt. Manager, and dashed his motorcycle by his own motorcycle as a result of which Sri Mohan Yechoor fell down and received injury. The management's witness Ram Manohar Singh, Attendance Clerk, had come to say that on the date of occurrence i.e. 24-3-90 at 7-00 A.M. the concerned workman marked his attendance and again at 9-00 A.M. he asked to struck off his attendance because he is being given alternative job. The concerned workman did not cross-examine him. The last witness of the management is Sri D. K. Nanda who has supported that the Asstt. Manager, Sri Mohan Yechoor informed him that his path is being obstructed by Binod Kumar Singh and he asked the security personnels to go and see there. He has also stated that on that day at about 12-30 P.M. he had seen the concerned workman Binod Kumar Singh waiting outside underground office. The concerned workman has also examined himself and he has admitted that he was offered alternative job by Sri Mohan Yechoor who was his Shift Incharge but he refused to work on the ground that as per letter dated 7-2-89 he was advised by the Manager (Operation) to work as Shot Firer only. From his evidence it appears that the aforesaid letter was given by the Manager (Opn.) and when he was offered alternative job by Sri Yechoor, his Shift Incharge, he complained Sri Mishra, Manager (Operation) on phone and he also asked him to obey the order of Sri Yechoor, yet he did not obey the order of Sri Yechoor and wanted to be released after marking his attendance as there was no work and thereby he wanted to earn wages without doing any work. From his evidence it also appears to be admitted that at about 1-00 P.M. he

was obstructing the way of Sri Yechoor but according to him he did so only to bring attention of the higher officials that Sri Yechoor is leaving work site before the end of the shift. He has also admitted that there was dashed between the motorcycle of Sri Yechoor and that of his but it was just an accidental one and that he had not intentionally done so. However, he had denied that any injury was caused to Sri Yechoor and any damage was caused to his motorcycle. In his evidence he has tried to show that it was Sri Mohan Yechoor who had replied to him say, "AGAR APP DEKHNA CHAHTE HAIN TO HUM THIK KAR DENGE". However, this fact has not been mentioned in his reply to the chargesheet. From his evidence also it goes to show that the concerned workman must have threatened Sri Mohan Yechoor to see him then only Mr. Yechoor could have said that "AGAR APP DEKHNA CHAHTE HAIN TO HUM TUMKO THIK KAR DENGE."

13. I have gone through the evidence of Binod Kumar Singh as well as the evidence of the management's witnesses and do not find any material to justify the action of the concerned workman, Binod Kumar Singh. The concerned workman has examined Mr. Abdesch Singh who is Store Keeper, has said that he was returning from school via underground office and at that time Sri Mohan Yechoor and Binod Kumar Singh were going on motorcycle and the motorcycles of both had touched each other and at that time Sri K. P. Singh also reached there and he had said that "AGAR YE MADARCHOD MERE DEPARTMENT ME RAHATA, TO THIK KAR DETE." This is altogether a different story given by this witness which has not been uttered even by the concerned workman and it appears that this witness has come to depose in order to save the concerned workman, whose evidence does inspire credibility. It is not the case of the concerned workman that Sri K. P. Singh had said like that and on this score he has been fully implicated. The another witness of the concerned workman is Udai Kant Singh who had said that he reached that place at about 1 P.M. to take tea and found so many people standing there and he returned after taking tea at 2 P.M. His evidence is neither here nor there and it does not support the concerned workman. I find from the materials available on record that the charges against the concerned workman, Binod Kumar Singh are fully established. Therefore, the enquiry report is fully justified and the finding of the Enquiry Officer that he is guilty of the misconduct is quite reasonable and a prudent man can draw an inference of having committed misconduct by the concerned workman. The Standing Order of the Company has been marked Ext. M-8 and from Clause 27(5) an employee may be suspended, fined or dismissed without notice or any compensation in lieu of notice if he is found to be guilty of misconduct, provided that suspension without pay, whether as a punishment or pending an enquiry, shall not exceed ten days. The act of drunkenness, fighting, riotous or disorderly or indecent behaviour have been made misconduct under sub-clause (5). From the materials on record it is clearly indicated that the concerned workman has not only disobeyed the order of his superior rather he has threatened his superior to see him and actually when

his superior came out of the underground mine he had obstructed his path, had misbehaved with him and intentionally dashed his motorcycle against the motorcycle of his superior in order to cow down him and create a rein of terror thereby his superior officer will not dare to take proper work from him against his will. Therefore, in my opinion the finding of the Enquiry Officer that the concerned workman is guilty of misconduct as provided in Clause 27(5) of the Certified Standing Orders of the Company is fully justified.

14. Now, having found out that the concerned workman, Bano Kumar Singh, is guilty of misconduct, the next question is whether the punishment or dismissal is justified on the basis of alleged misconduct of the concerned workman. The learned lawyer for the concerned workman has placed reliance in some decisions of Hon'ble Supreme Court and other High Courts to show that this Tribunal has got power to vacate dismissal order and give a suitable direction under Section 11-A of the Industrial Dispute Act. It is true that under Section 11-A of the Industrial Dispute Act this Tribunal has got power to scrutinise the evidence of the domestic enquiry and come to a finding whether the misconduct is proved or not and then to see whether the punishment awarded by the management is proportionate to the misconduct committed by the concerned workman. The management, on the other hand, has placed reliance to a decision of Hon'ble Supreme Court reported in SCLJ-1991-1993 at page 1124 in which the order of dismissal has been justified on gravest and serious misconduct. The management's lawyer has also submitted that the concerned workman is not only indisciplined but he has abused his Controlling Officer giving him threatening with dire consequence and thereafter he had obstructed the path of his superior and intentionally dashed his motorcycle causing him injury and at that time he had abused him and threatened him to see him. Thus, the action of the concerned workman is not only subversive of discipline but a serious misconduct, under mining the very authority of managerial personal. He was himself working in the supervisory capacity. Therefore he should have behaved in more responsible manner than a common mazdoor and since the concerned workman has committed a serious misconduct the management has rightly dismissed him. From the materials available on record, I find that the action of the concerned workman is an act, subversive of discipline and he has committed a serious misconduct by threatening his immediate superior with dire consequences and then by obstructing his path and he has further dashed his motorcycle with that of his superior causing him injury and at that time also he had abused him and threatened him which is not expected from a Mining Sirdar who is certainly a supervisory workman in the mining operation. He being a person who should maintain discipline among his subordinates i.e. mazdoors but he himself appears to be indisciplined and has committed a serious misconduct as mentioned above. Therefore, in such circumstances such a workman cannot be asked to be reinstated by the management thereby putting the management in a very embarrassing position and let a rule of indiscipline permeate in the management of the company. Therefore, in

my opinion, the action of the management in dismissing the concerned workman is quite justified and in my opinion, he does not deserve any sympathy of this Tribunal. Therefore, he is not entitled to any benefit.

15. Accordingly, I render this award adjudicating the action of the management perfectly justified.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 6 अगस्त, 1999

का. आ. 2451.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैकर्स वी. सी. सी. एल. के प्रवर्धन के संलग्न निवेदनों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 2, धनबाद के पंचाद को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-8-99 को प्राप्त हुआ था।

[म एल-20012/142/98-आई. आर. (सी-1)]

वी.एस.ए.एस.पी. राजू, डेस्क अधिकारी

New Delhi, the 6th August, 1999

S.O. 2451.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. RCC Ltd. and their workman, which was received by the Central Government on 3-8-99.

[No. L-20012/142/98-IR(C-1)]

V. S. A. S. P. RAJU, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

PRESENT:

Shri B. B. Chatterjee, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 226 of 1998

PARTIES:

Employers in relation to the management of Sendra Bansjora Colliery of M/s. BCCL and their workman.

APPEARANCES:

On behalf of the employers—Shri N. P. Singh, Personnel Manager.

On behalf of the workman—Shri S. C. Gaur, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dated, Dhanbad, the 26th July, 1999

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1) (d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-139/97-E-3 dated, the 1st December, 1998.

SCHEDULE

"Whether the action of the management of Sendra Bansjora Colliery of M/s. BCCL in not regularising Sri Rabindranath Singh as Loading Supervisor after duly authorised to work as such w.e.f. 29-5-95 and also sending him for Refresher course meant for Loading Supervisor vide Office Order No. 5903 dt. 14-12-95 is justified? If not, what relief the concerned workman is entitled?"

2. In this case only the workman side filed its W.S. Subsequently when the case was fixed learned Advocate for the workman submitted before this Tribunal to pass a 'No dispute' Award in this reference on the ground that the concerned workman involved in the dispute had already left the place of his work after his superannuation to which no objection raised on the side of the management. In view of the submission of the learned Advocate for the workman a 'No dispute' Award is being rendered and the reference is disposed of on 'No dispute' Award basis on the presumption of non-existence of any industrial dispute between the parties at present.

B. B. CHATTERJEE, Presiding Officer

नई दिल्ली, 6 अगस्त, 1999

का. आ. 2452.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तर्गत में, केन्द्रीय सरकार मैसर्स बी. सी. सी. एल के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 2, धनबाद के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-8-99 को प्राप्त हुआ था।

[सं. एल-20012/121/95-आई. आर. (सी. I)]

बी. एम. ए. एस. पी. राजू, डेस्क अधिकारी

New Delhi, the 6th August, 1999

S.O. 2452.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. B.C.C. Ltd. and their workman, which was received by the Central Government on 3-8-99.

[No. L-20012/121/95-IR(C-I)]

V.S.A.S.P. RAJU, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. B. Chatterjee, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

REFERENCE NO. 63 OF 1996

PARTIES :

Employers in relation to the management of Nudkhurkee Open Cast Project of M/s. BCCL and their workman.

APPEARANCES :

On behalf of the workmen : None.

On behalf of the employers : None.

STATE : Bihar

INDUSTRY : Coal

Dated, Dhanbad, the 29th July, 1999

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/121/95-I.R. (C-I), dated the 7th June, 1996.

SCHEDULE

"Whether the demand of the Union for referring Sh. Ram Sagar Singh, Security Guard Nadukhurkee Open Cast Project to the Apex Medical Board for assessment of his age is justified? If so, to what relief is the concerned workman entitled?"

In this reference none of the parties turned up nor took any steps although several notices were issued to them leading to inference of non-existence of any industrial dispute between the parties. The reference is pending since 1996 and it is of no use to drag the same year after year for taking steps by the parties. Under such circumstances, a 'No dispute' Award is being rendered and the reference is disposed of on 'No dispute' Award basis on the presumption of non-existence of any industrial dispute between the parties presently.

B. B. CHATTERJEE, Presiding Officer

नई दिल्ली, 6 अगस्त, 1999

का. आ. 2453.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तर्गत में, केन्द्रीय सरकार मैसर्स मोदीलप्ट लिमि. के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-8-99 को प्राप्त हुआ था।

[सं. एल-11012/61/98-आई. आर. (सी. I)]

बी. एम. ए. एस. पी. राजू, डेस्क अधिकारी

New Delhi, the 6th August, 1999

S.O. 2453.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Modiluft Ltd. and their workman, which was received by the Central Government on 5-8-99.

[No. L-11012/61/98-IR(C-I)]
V.S.A.S.P. RAJU, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 7 of 1999

Parties :

Employers in relation to the management of
Modiluft Limited

AND

Their workmen.

Present :

Mr. Justice A. K. Chakravarty, Presiding Officer.

APPEARANCE :

On behalf of Management.—Mr. U. S. Menon,
Advocate.

On behalf of Workmen.—Mr. B. G. Bhattacharya,
General Secretary of the Union.

STATE : West Bengal INDUSTRY : Airlines

AWARD

By Order No. L-11012/61/98-IR(C-I) dated 17-2-1999 the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Modiluft Ltd. in terminating the services of 65 workmen as per list attached with effect from 1-10-1996 is justified ? If not, to what relief the workmen are entitled ?”

List of workmen

1. Om Prakash Singh
2. Manoj Rajbhar
3. Patha Sengupta
4. Sanjay Paramanik
5. Jayanta Joardar
6. Dev Kumar Saha
7. Kanulal Sutradhar
8. Rajan Kumar Giri
9. Burma Majhi
10. Tapan Sarkar
11. Mahendra Talukdar
12. Tapas Bhattacharya

13. Barun Dey
14. Satya Ranjan Paul
15. Malay Dutta
16. Mrinal Paul
17. Biswajit Biswas
18. Nizam Mandal
19. Sk. Sukur Ali
20. Bhola Ganguli
21. Ratan Dey
22. H. Bhagirathi
23. Gautam Paul
24. Manab Sen
25. N. Bhawal
26. Kajal Mukherjee
27. Dalim Choudhury
28. Dipak Bhandari
29. D. Banerjee
30. Miss Daljit Kaur
31. Partha Hazra
32. Gautam Saha
33. Manish Talukdar
34. Manash Paul
35. Gora Biswas
36. Sanjib Mallick
37. Surendra Singh
38. Dayanidhi Rasuya
39. Ahmed Ali
40. Pankaj Saha
41. Tapas Sarkar
42. Asit Biswas
43. Tarak Chakraborty
44. Biswanath Karmakar
45. Arup Chakraborty
46. Swapan Dutta
47. Samir Sarkar
48. Asim Saha
49. Ajoy Paramanik
50. Tapan Karmakar
51. Tirtha Roy
52. Biswajit Das
53. Suleman Sarkar
54. A. K. Dey
55. Santosh Choudhury
56. M. B. Unish
57. Asit Sen
58. Manilal Ghosh
59. Manoranjan Gope
60. Md. Sultan
61. Prabir Ghosh
62. Prabir Ghosh

63. S. Mandal
64. Fulak Majumder
65. D. K. Ojha

2. When the case is called out today, both the parties are represented.

3 On the joint submission of both the parties that this Tribunal has no jurisdiction to entertain the dispute in question as the same is to be adjudicated by the State Industrial Tribunal and in the said circumstances the parties being unwilling to proceed with the present reference, this Tribunal, in the absence of any evidence on record what-so-ever, has no other alternative but to dispose of the matter by passing a "No Dispute" Award.

4. A "No Dispute" Award is accordingly passed and the reference is disposed of. The union, however, shall be at liberty to move the appropriate forum for relief over the dispute under reference.

This is my Award.

A. K. CHAKRAVARTY, Presiding Officer
Dated, Calcutta,
The 28th July, 1999.

नई दिल्ली, 6 अगस्त, 1999

का. आ. 2454.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एयर इंडिया लिमि. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 2, मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-8-99 को प्राप्त हुआ था।

[सं. एल-11012/18/98-आई. आर. (सी-I)]
वी.एस.ए.एस.पी. राजू, डेस्क अधिकारी

New Delhi, the 6th August, 1999

S.O. 2454.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Air India Ltd. and their workman, which was received by the Central Government on 2-8-99.

[No. L-11012/18/98-IR(C-I)]
V.S.A.S.P. RAJU, Desk Officer
ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. II, MUMBAI
PRESENT :

Shri S. B. Panse, Presiding Officer.

Reference No. CGIT-2/165 of 1998

Employers in relation to the management of
Air India Ltd.

AND

Their Workmen.

APPEARANCES :

For the employer :

Mr. Abhay Kulkarni & Mrs. Pooja Kulkarni
Advocate.

For the workmen :

No Appearance.

Mumbai, dated 1st July, 1999

AWARD

The Government of India, Ministry of Labour by its Order No. L-11012/18/98-IR(C-I), dated 7-12-98, had referred to the following Industrial Dispute for adjudication :

"Whether the action of the Management of M/s. Air India Ltd., Terminating the service of the workman, Mr. M. S. Teli, w.e.f. dated 16-6-1996 is justifiable or not ? If not what relief the workman is entitled to ?"

2. The workman filed a statement of claim at Exhibit-7.

3. The management resisted the claim by the written statement (Exhibit-9). It also produced documents alongwith (Exhibit-12). Issue were framed in the matter and the matter was fixed for evidence on 26-6-99. He remained absent. It is pertinent to note that the workman has remained absent for many days. He had also send a letter dtd. 20-6-99 which was received in this office on 24th June, 1999. It is at Exhibit-13. He had categorically mentioned in it that he will not attend the court and the matter may be decided. Under such circumstances I do not find it necessary to go in to details of statement of claim and written statement. Hence I pass the following order :

ORDER

The reference is disposed off for want of prosecution.

S. B. PANSE, Presiding Officer

नई दिल्ली, 6 अगस्त, 1999

का. आ. 2455.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन एयर लाइंस लिमि. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण केन्द्र के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-8-99 को प्राप्त हुआ था।

[सं. एल-11012/1/78-डी-II (डी)/डी-III (बी)]
वी.एस.ए.एस.पी. राजू, डेस्क अधिकारी

New Delhi, the 6th August, 1999

S.O. 2455.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Airlines Ltd. and their workman, which was received by the Central Government on 3-8-99.

[No. L-11012/(1)/78-D. II(B)|D. III(B)]

V. S. A. S. P. RAJU, Desk Officer
ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL,
TAMIL NADU, CHENNAI

Thursday, the 1st day of July, 1999

PRESENT :

Thiru S. Ashok Kumar, M.Sc. B.L.,
Industrial Tribunal
Industrial Dispute No. 50/1990

(In the matter of the dispute for adjudication under section 10(1)(d) of the Industrial Dispute Act, 1947 between the workman and the management of Regional Director, Indian Airlines, Meenambakkam, Chennai-600027).

Between the workman:

Shri C. Madhavan, No. 11, N.G.O. Colony,
2nd Main Road, Kamraj Nagar,
Choolaimedu, Madras-600094.

AND

The Regional Director,
Indian Airlines,
Airlines House, Meenambakkam,
Chennai-600027.

REFERENCE :

Order No. L-11012(1)/78-D. II(B)|D. III(B)
dated 15-6-1990. Ministry of Labour,
Government of India, New Delhi.

This dispute coming on this day for final disposal in the presence of Tvl. N.G.R. Prasad and S. Vaidyanathan, advocates appearing for the Management, upon perusing the reference and other connected papers on record and the workman being absent, this Tribunal passed the following :—

AWARD

This reference has been made for adjudication of the following issue :

“Whether the Management of Indian Airlines, Madras is justified in denying employment to Sri C. Madhavan Peon after

getting his option for empanelment for future absorption. If not, to what benefits the concerned workmen is entitled?”

Claim statement not filed. Dismissed for default.
Dated, this 1st day of July, 1999.

THIRU S. ASHOK KUMAR, Industrial Tribunal

नई दिल्ली, 6 अगस्त, 1999

का. आ. 2456.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ओ. एन. जी. सी. के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-8-99 को प्राप्त हुआ था।

[सं. एल-30012/9/91-आई. आर. (विधि) (सी-I)]

वी.एस.ए.एस.पी. राजू, डेस्क अधिकारी

New Delhi, the 6th August, 1999

S.O. 2456.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. ONGC and their workman, which was received by the Central Government on 3-8-1999.

[No. L-30012/9/91-IR (Misc.) (C-1)]

V.S.A.S.P. RAJU, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL,
TAMIL NADU, CHENNAI

Wednesday, the 26th day of May, 1999

PRESENT :

Thiru S. Ashok Kumar, M.Sc. B.L.,
Industrial Tribunal.

Industrial Dispute No. 66/91

(In the matter of the dispute for adjudication under section 10(1)(d) of the Industrial Disputes Act, 1947 between the workmen and the management of the Joint Director (IR) Oil and Natural Gas Commission, Cauvery Project, Madras-86).

BETWEEN

The workmen represented by
The General Secretary,
Petroleum Coal Labour Union,
66, East Raja Street,
Thanjavur-I,
Tamilnadu.

AND

The Joint Director (IR),
Oil and Natural Gas Commission,
Cauvery Project,
226, Cathedral Road,
Chennai-86.

REFERENCE :

Order No. L-30011/9/91-IR(Misc.) dated
10-10-91 Ministry of Labour, Govt. of
India, New Delhi.

This industrial dispute coming for final hearing on Monday, the 12th day of April, 1999 and upon perusing the reference, claim statement, counter and all other connected materials available in this reference and hearing the Arguments of Thiru Valargal R. Ganesan and R. Rengaramanujam, Advocates appearing for the petitioner and Thiru K. Shanmugha Gani, Advocate appearing for the Respondent and this dispute having stood over till this day for consideration and this Tribunal made the following :—

AWARD

This reference has been made for adjudication of the following issue :

“Whether the management of Oil and Natural Gas Commission is justified in not regularising the workmen in the instant dispute and if not to what relief the workmen are entitled to?”

(II) Whether the management of Oil and Natural Gas Commission is justified in not paying equal wages to the workmen in the instant dispute on par with that of the regular workmen and if not to what relief the workmen are entitled to?”

2. The main averments found in the claim statement filed by the Petitioner-Union are as follows :

The 240 workmen mentioned in the list attached to the amended claim statement belongs to the petitioner-Union. They have been employed under the respondent-management even prior to 1985 through a contractor by name Thai Security Services and afterwards through Priyadarshini Indira Cooperative Society on contract basis. Govt. of India issued a notification u/s 10(1) of the Contract Labour Abolition Act, prohibiting employment of workmen on contract basis. Therefore,

from 13-1-88 the respondent management engaged the workmen as its direct employees. Initial appointment was for a period from 13-1-88 to 28-2-88. Thereafter without any written order all the workmen were allowed to continue the work under the respondent management continuously. The nature of work of these workmen is skilled and semi-skilled and they have been employed as Security Guards and Security Supervisors. Initially the Security Guards were paid consolidated sum of Rs. 445 per month and Security Supervisors were paid Rs. 675 per month. At the time of filing the claim statement, Security Guards were paid Rs. 1060 and Security Supervisors were paid Rs. 1250 p.m. The workmen were not paid any allowances or leave salary. The workmen have studied S.S.L.C. and other higher qualifications. They have crossed age limit for employment in any other undertaking or Government Service. Nature of work performed by these employees are permanent. Many of these employees have given their lands to the respondent for their establishment. Respondent has not regularised the services of these workmen. Each workman has worked for more than 240 days continuously every year. According to the Certified Standing Orders dt. 15-6-62 applicable to the respondent, all these workmen should be made permanent and their services should be regularised. Similar employees who have studied only upto 8th standard have been regularised by the respondent management and they have been posted as Security Inspectors Grade II and III and they are paid salary of Rs. 2100 and Rs. 2500 respectively. Such employees are also paid other allowances, leave salary, and other benefits. The last grade servants are paid Rs. 1600 p.m. apart from other allowances and benefits. The respondent management is discriminating the workmen attached in the list along with the claim statement by not regularising them and by not paying them salary and allowances paid for similar workmen who do similar type of work. The action of the respondent is against social justice, and principles of natural justice, and also unfair labour practice. The respondent being a Government of India undertaking, should be a model employer but has failed to implement its own Standing Orders and also violated the law or Equal pay for Equal work. The workmen gave strike notice dated 10-9-90. The Asstt. Regional Labour Commissioner initiated the conciliation proceedings. From the reply of the respondent dt. 25-10-90, it will be presumed that the workmen concerned in this dispute are doing the same nature of work as that of Central Industrial Security Force and therefore these employees are entitled for the same salary and allowances paid to CISF. Further the respondent did not even form the reasons for the failure of conciliation that took place at New Delhi. The petitioner prays to pass an award directing the respondent management to regularise all the workmen attached in the

list w.e.f. April 1991 and to pay them regular salary and allowances and also to direct the respondent management to pay arrears of Rs. 57,345 for each Security Guard and Rs. 66,071.40 to each Security Supervisor with interest at 12% p.a.

3. The main averments found in the counter statement filed by the respondent are as follows :

The Security Personnel were employed by the ONGC under contract labour system and therefore the respondent do not have particulars about their period of employment. Their services were availed by the ONGC through the Contractor and payment was made in lumpsum to the contractor which in turn was paid to the workmen on terms agreed to between the Contractor and the workmen. In 1988, the Security personnel who were employed through contractors formed themselves a Co-operative Society called Priyadarshini Indra Cooperative Society Ltd., and sought regularisation of their services under the respondent. The present labour union and the members of the Priyadarshini Indra Gandhi Co-operative Labour Contract Society Ltd., filed W.P. 9688 and 11964/87 before the Hon'ble High Court, Madras seeking to issue a Writ to direct the respondent to regularise their services and to absorb them into respondent services. By its order dt. 5-1-1988 Hon'ble High Court rejected their prayer and dismissed the Writ petition. The decision of the High Court is binding on all the members of the Society, consequently on the members of the present petitioner union, since they were also parties to the above said petition and therefore reference is incompetent. The order of the Hon'ble High Court has a direct bearing on the issue raised. Without prejudice to the above contention, even assuming that the reference is valid, the reference will have to be answered consistent with the order of the High Court holding that the members of the petitioner union cannot be absorbed into the service of ONGC. Employment of contract labour was resorted to as a stop gap arrangement pending deployment of CISF. The need for CISF with necessary powers and equipment to prevent robbery and pilferage of costly machineries and accessories of ONGC, kept in the several fields as well as at several offices/Installations/Sites was considered by ONGC. While the matter was so pending, on the advice of the Government of India issued u/s 32 of the ONGC Act, the commission decided to enlist the service of CISF for security Personnel of CISF are recruited under the Provisions of this Act and trained and appointed. On such appointment, certain Police powers are conferred on the personnel which include, effecting arrest, making search of persons, and places under the Criminal Procedure Code, and use of arms to meet emergencies. The personnel vested with such powers are best suited for the security of the men and properties of ONGC. The decision to

appoint CISF for security had been taken by ONGC in or about 4 years. However, in the matter of implementation of the decision it became necessary to assess the requirement of the number of personnel and again to get sanction from the Directorate of CISF. Ministry of Home, Government of India, and other authorities for releasing such number of personnel for the security of ONGC. While this matter was engaging the attention of ONGC, the order of the Madras High Court was passed on 5-1-1988. It was not immediately possible to make fresh deployment by resorting to any provisions under the CISF Act. As a stop gap arrangement, the persons not qualified but physically found to be fit were employed on specific terms for a short period anticipating the posting of CISF in accordance with the provisions of law. Services of those who were so employed cannot be considered for regularisation for the following reasons :

- (a) Security Services of ONGC is to be manned by CISF personnel as a policy decision. The reason for such imperative had been mentioned above.
- (b) The Personnel in Security Department of ONGC recruited prior to taking the above policy decision continue to be in the services of ONGC and are not affected by such policy. Members of the petitioner-union were not those who had been in the permanent employment of ONGC before the policy decision mentioned above was taken. Employment of those on term basis was specifically in the exercise of the paramount powers of ONGC as an employer to have a separate category of persons for a short period.
- (c) Those so employed were terms based personnel without any right to get absorbed.
- (d) The recruitment rules of ONGC were specifically excluded even by the terms of appointment. It was also made expressly clear that the appointees will not get any right and that their services would be terminated on the induction of CISF Personnel or at any time.
- (e) The absorption of the members of the Writ petitioner union into services of ONGC will only violate the recruitment rules of ONGC. The recruitment rules laid down certain qualifications and certain other experience and certain other pre-conditions. The members of the Writ petitioner union are not qualified. The requirement as regards the registration before the employment exchange can

not also be laid for the reason that these have been employed without reference to the mandatory requirement of the registration at the employment exchange. Medical Standard for security guards recruited in ONGC are stringent”.

For the above reasons the respondent ONGC is justified in not regularising the workmen in the instant dispute. In so far as the security issue is concerned, the workmen involved in this reference are not entitled to be treated on par with those who are in regular service of the respondent. The concept of Equal wages for Equal work cannot be invoked and applied to the facts and circumstances of the case. Employment of unqualified persons for security purposes was made as a separate category and therefore their duties and obligations are not equal or same as that of the regular employees. The qualification of regular employees in the categories of Security guard and Security Supervisor have been laid down under the Recruitment Rules. They should possess qualifications of VIII Standard and should pass the test for Security Guard and for Security Supervisor, they should have S.S.L.C. with experience of 6 years as Naik. The first instalment of CISF Personnel was inducted in 1989. The process of induction is on. In the circumstances, the security services are not in the hands of CISF Personnel. The workmen in the instant case were not appointed according to the Recruitment Rules. They do not possess the qualifications nor medical standard of a regular Security Guard. Hence they cannot be treated on par with Security Personnel who are qualified and who had been recruited according to the rules. The appointment was purely ad hoc with express conditions that the appointees will not acquire any rights thereunder. Their works, responsibilities, and liabilities cannot be compared with those who had been regularly recruited. They are also not subject to the rules relating to the discipline at par with regular employee as they formed separate category. The work done by both categories of workmen are also different. Regular Security guards have more responsibilities such as guarding the cash box, sophisticated and costly items like computer, photostat machines, communication systems, secret documents, drawings etc. guarding Senior Chief Executives etc. there is therefore no discrimination and the workmen in dispute are not entitled to be paid wages at par with others. Hence, ONGC is justified in not paying them wages at par with regular employees recruited before the policy of induction of CISF was taken, the respondent prays to dismiss the claim of the petitioner.

4. On behalf of the petitioner, Thiru Santhanam, General Secretary of the petitioner union, Thiru T. Sathiamoorthy, a Security Guard, workman concerned in this dispute and Th. R. Sekar, Security Supervisor, workmen concerned in this dispute were examined as WW1 to WW3 respectively and Ex. W-1 to W-25 have been marked. On behalf of the respondent management, Thiru Raman, Assistant Personnel and Administrative Officer of the respondent Management, Thiru G. K. Pillai Personnel and Administration Manager of the respondent management, Thiru Hariharanuthra Pillai, Deputy Manager of the Security Department respondent management have been examined as MW1 to MW3 and Ex. M1 to M.11 have been marked.

5. On 9-3-99, the Counsel for the petitioner has made an endorsement as follows :

“In view of the memo dated 28-4-93, the second issue is not pressed as settled out of Court. The memo has also been recorded.”

6. The only point to be decided now is the first issue whether the management of ONGC is justified in not regularising the workmen concerned in the instant dispute, and if not to what relief they are entitled to?”

7. The Point : The petitioner union has filed a claim statement with regard to 240 workmen who are employed as Security Guards and Security Supervisors under the respondent ONGC management. All the above workmen were initially engaged through contractors and thereafter they became members of erstwhile Privadarshini Indra Gandhi Co-operative Labour Contract Society and they were engaged

by the respondent management by settlement with the said society. While so, the Tamil Nadu Industrial and Commercial Employees Union filed W.P. 9688/87 and the Petroleum Industrial General Contract Labour Union filed W.P. No. 11964/87 before the Hon'ble High Court of Madras against the respondent management and others with prayer to direct the respondent management to absorb the employees who were engaged hitherto through the Cooperative Society in consequence of the notification issued by the Government of India, U/s. 10 of the Contract Labour (Regulation and Abolition) Act, 1970. The present union, i.e. Petroleum Coal Labour Union is not a party in the two writ petitions. By a judgement dated 5-1-88, Ex. W-1, Hon'ble High Court was pleased to dismiss both the Writ Petitions rejecting the prayer for absorption of the workmen as regular employees of the respondent corporation. Thereafter all the employees were appointed directly by the respondent on term basis for a period from 13-1-88 to 29-2-88 and examples of such appointment orders are Ex. W-2 and W-3. Though the written orders like Ex. W-2 and W-3 were issued to all the employees for a period of 48 days only, none of the employees so employed were ousted but they were allowed to continue to work under the respondent management in the same capacity. Ex. W-4 is the Certified Standing Orders for continuous employees of the respondent Commission and according to Clause 2 of the Certified Standing Orders, a workman who has been on the rolls of the commission and has put in not less than 180 days of attendance in any period of 12 consecutive months shall be a temporary workman provided that the temporary workman who has put in not less than 240 days of continuous service and who possess minimum qualification prescribed by the commission may be considered for conversion as regular employee. Ex. W-5 is the seniority list of security inspectors Grade-II who are in the regular employment of the respondent management. A perusal of Ex. W-5 seniority list of the Security Inspectors of the respondent management in regular employment would show that two of them have studied only 2nd standard, two of them have studied only III standard, Four of them have studied only IV Standard, 8 of them have studied only upto V Standard, 8 of them studied only upto VI standard and two of them are only literate as far as their educational qualifications are concerned. By an order dated 8-11-91, Ex. W-6, the respondent commission has fixed wages of the contingent employees and also ordered payment of Rs. 1300 for the contingent employees who have worked for a period of not less than 180 days during the period between 1st October 1990 to 30th September 1991. Ex. W-7 is a similar order dated 19-12-91 confirming the earlier order. One Swaminathan a term based security guard was terminated from service on his admission of his connivance in a theft as an imposition of penalty and said order is Ex-W-9. The petitioner union by letter dated 10-9-90 Ex-W-10 issued a strike notice to the respondent for 3 demands, the first being regularisation of 230 workmen who have been continuously working as Security Guards and Security Supervisors. The comments submitted by the respondent to the Asst. Labour Commissioner (Central) is Ex-W-11 wherein the respondent has stated that in its Board Meeting held on 25-11-82, the commission has passed a resolution to entrust the security work to CISF at the instance of the Government of India and therefore, regularisation of service of Security Guards/Supervisors is not possible. The rejoinder submitted by the petitioner union to the remarks submitted by the management is Ex. W-12 wherein they have reiterated the demand for regularisation of the employees and payment of wages on the principle of Equal pay or Equal work. Thereafter the respondent management sent Ex. W-13 letter dated 13-11-90 requesting the Conciliation Officer to intervene and persuade the union leaders to desist from the proposed action of strike. On 5-12-90 the petitioner union sent another letter Ex. W-14 demanding regularisation as well as payment of arrears of pay i.e. difference between regular pay and consolidated pay. The conciliation ended in failure and the conciliation failure report dated 3-12-90 is Ex. W-15. After the petitioner union filed a memo before this Tribunal not to press the issue regarding Equal pay for Equal work the respondent management issued Ex. M-6 and M-7 orders dated 30-4-93 extending several facilities like medical facility, National holidays, leave with wages, safety tracks etc.

8. The contention of the petitioner is that all the workmen in this claim statement are doing the same type of work

as regular employees of the respondent management. They have been subject to disciplinary proceedings, if any misconduct is committed, they have been given uniforms like regular employees, they have been extended medical facility, and holidays and leave wages and they are also being subject to training and the respondent management has been earning huge profits and thus in a position to regularise the workmen who are continuously employed for last 12 years and each year they have worked more than 240 days.

9. The contention of the respondent management for not regularising the services of these workmen is that as per the direction of the Government of India, a policy decision has been taken as early as in 1982 to induct CISF (Central Industrial Security Force) for watching installations and machineries because CISF personnel are clothed with police powers like arrest, search and recovery as provided in the Code of Criminal Procedure, and therefore the term based employees who are engaged as Security Guards and Security Supervisors cannot be regularised and the further contention of the respondent management is that these employees are not educationally and physically qualified for being appointed on regular basis.

10. The fact that all the workmen concerned in this dispute are continuously employed directly under the respondent from 13-1-88 for the last 12 years is not disputed by the respondent. The further fact that all the workmen have worked not less than 240 days in a year continuously has also been not denied by the respondent. In fact Thiru G. K. Pillai MW2 has categorically admitted that after receipt of Government of India's order to engage CISF in the year 1985, all the workmen were directly engaged by the respondent management from 1988 that all the workmen have been continuously employed without any break and everyone of them has worked more than 240 days every year. As regard the educational qualification of these workmen, 42 of them are ex-servicemen, 19 of them are graduates, 21 of them have studied +2 or P.U.C. 156 of them have studied SSLC, 41 of them have studied 8th standard or more and only one among them has studied 6th standard. As already stated according to the seniority list of Security Inspectors Grade II who are regular employees of the respondent management, out of 41, 2 employees are only literate, 2 employees have studied only upto 2nd Standard, 2 have studied upto III Standard, 4 have studied upto IV Standard, 8 have studied upto V Standard, and 8 have studied upto VI Standard, and among the rest the maximum educational qualification of 2 persons is SSLC failed. Therefore, a comparison of educational qualification of these workmen concerned in this dispute with the existing security inspectors Grade II of the respondent management as found in Ex. W-5, the workmen concerned in this dispute are far more qualified than the existing Security inspectors Grade II. MW2 Thiru G. K. Pillai has further admitted that one Dakshinamurthy and Jayapal who were promoted as Security Inspectors have studied only upto IV Standard. As regards the physical qualification of

these workmen, even in para 9 of the counter statement, the respondent management has mentioned that as a stop gap arrangement the persons not qualified but physically found fit were employed on specific terms for a short period anticipating the posting of CISF. Therefore, the fact that all the workmen are physically fit for appointment as Security personnel is agreed by the respondent himself. According to MW3, Th. Hariharaputhra Pillai Deputy Manager, in the Security department of the respondent management according to their norms, the security personnel must have a height of 5 ft. 6 inches. But some of the regular employees working as Assistant Superintendent by name Jayapal, Govindarajan, Mahalingam and Angaiah are less than the required height to be appointed in the security department. But they were appointed even before determining the height of the employees. There is no dispute on the part of the respondent management that any of these workmen concerned in this dispute are less than the required education qualification or physical fitness on the date of their engagement. Recruitment and promotion Rules applicable to ONGC have been framed in 1980 as seen from Ex. M. 9. But the same has been modified in the Board Meeting held on 6-2-97 as per the office order Ex. M. 10 dt. 14-3-97. As per Ex. M. 10 Office order under Clause 2(g) for Fire Security, minimum qualification is intermediate with training and experience in field and minimum physical standard. But what is the requirement for security is not mentioned. According to Ex. M. 9 Recruitment, Promotion Regulations for the post of Security Guard, educational qualification is VIII class pass and Security Supervisor is Matric with training in Home Guard or equivalent. The physical standard required is minimum height of 5 ft. 6 inches and for Tribes and Hill men 5 ft. 4 inches. The respondent has engaged these workmen only after Ex. M. 9 regulations came into force and has allowed these workmen to work continuously for the last 12 years. The only contention of the respondent management is that under the instructions of the Government of India the respondent management has taken a policy decision to induct CISF for watching and protecting the installation and machineries of the respondent management. According to the counter statement, the policy decision to induct CISF was taken even 4 years before 1988. According to Ex. W-11, remarks of the respondent management to the Asst. Labour Commissioner in the conciliation proceedings, it is specifically mentioned that the respondent commission passed a resolution in its Board Meeting on 25-11-82 to entrust the security work to the CISF at the instance of the Government of India, u/s 32 of the ONGC Act, which is bound by all the directions given by the Central Government from time to time. If really the respondent commission passed a resolution in its Board Meeting even as early as 25-11-82, there is no reason why the CISF was never inducted in

the various installations, of the respondent-management. According to MW1 Thiru Raman, Asst. Personnel Administrative Officer, CISF is not engaged in the factory at Niravi and only the employees concerned in this dispute are engaged for security work. MW3, Thiru Hariharaputhra Pillai has categorically admitted that the workmen concerned in this dispute are employed as watch and ward staff for last 10 years and they have been transferred from one place to another on its orders and have been even given service training as seen from Ex. W-24. The respondent has failed to adduce any convincing reason as to why CISF has not been inducted in any of its installations, in the various areas but only about 30 police of Pondicherry Police Department have been engaged. Therefore, the Policy decision taken to induct CISF which was the only defence before the Hon'ble High Court in W.P. Nos. 9688/87 and 11964/87 is only on paper and no effort has been made to give effect to the policy decision to induct CISF for Security engagements with the respondent management. The said policy decision of the respondent is now only taken as a ruse to avoid regularisation of the petitioner-union members who are concerned in the dispute.

8. I have already compared the educational qualification of the workmen concerned in this dispute with the existing security personnel of the respondent management. The workmen concerned in this dispute are physically fit as admitted in the counter itself. These security workmen have 12 years experience as direct employees under the respondent management and their experience is more when their engagement through the contractors and Labour Cooperative Societies, is also taken into account.

In 1990 I LLJ P 320 Bhagwati Prasad Vs. Delhi State Mineral Development Corporation, the Hon'ble Supreme Court has held as follows :

"The main controversy centres round the question whether some petitioners are possessed of the requisite qualifications to hold the posts so as to entitle them to be confirmed in the respective posts held by them. The indisputable facts are that the petitioners were appointed between the period 1983 and 1986 and eversince, they have been working and have gained sufficient experience in the actual discharge of duties attached to the posts held by them. Practical experience would allways aid the person to effectively discharge the duties and is a sure guide to assess the suitability. The initial minimum educational qualification prescribed for the different posts in undoubtedly a factor to be reckoned with, but it is so that the time of the initial entry into service. Once the appointments were made as daily rated

workers and they were allowed to work for a considerable length of time, it would be hard and harsh to deny them the confirmation in the respective posts on the ground that they lack the prescribed educational qualifications. In our view, three years' experience, ignoring artificial break in service for short period/periods created by the respondent, in the circumstances, would be sufficient for confirmation. If there is a gap of more than three months between the period of termination and re-appointment that period may be excluded in the computation of three years period. Since the petitioners before us satisfy the requirement of three years' service as calculated above, we direct that 40 of the seniormost workmen should be regularised with immediate effect and the remaining 118 petitioners should be regularised in a phased manner, before April 1, 1991 and promoted to next higher post according to the Standing Orders. All the petitioners are entitled to equal pay at par with the persons appointed on regular basis to the similar post or discharge similar duties, and are entitled to the scale of pay and allowances revised from time to time for the said posts. We further direct that 16 of the petitioners who are ousted from the service pending the writ petition should be reinstated immediately. Suitable promotional avenues should be created and the respondent should consider the eligible candidates for being promoted to such posts".

There cannot be any restriction on account of age as per Ex. M. 9 Recruitment and Promotion Regulations, because all these workmen who have worked for more than a decade would have naturally crossed the age bar limit. Therefore, they cannot be denied employment or regularisation on the ground that they have crossed the age limit. Further it must be noted that these workmen if ousted cannot get employment anywhere either in the Private or Govt. undertakings or Govt. offices as new recruits because of the age restriction. These workmen should have been absorbed as direct employees since the contract labour system was abolished by a notification issued by the Government of India. On abolition of the contract labour system, by necessary implication the principal employer is under statutory obligation to absorb the contract workers. The linkage between the contractor and the employee stood snapped and direct relationship stood restored between the direct employer and its employees as it is. Considered from this perspective, all the workmen in the service of the respondent who were working on contract labour ought to have been absorbed in the respondent's Establishment.

1997 I LLJ P 1113, Air India Statutory Corporation Ltd., Vs. United Labour Union & Ors., the Hon'ble Apex Court has held as follows :

"In Security Guards Board for greater Bombay and Thane District Vs. Security & Personnel Services P. Ltd., & Ors. (1988 I LLJ 146(SC)), the question regards absorption of security guards employed in any factory or establishment etc. under Maharashtra Private Security Guards (Regulation of Employment and Welfare) Act, 1981 had come up for consideration. It was held that the exemption under Section we is in regard to the security guards employed in the factory or establishment or in any class or classes of fabricating factory's establishment. The co-relationship of the security guards or classes of security guards who may be exempted from the operation of the Act is with the factory or establishment or class or classes of factories or establishments in which they work and not with the agency or agent through whom they were employed. In other words the ratio of that case is that it is not material as to through which contractor the employee came to be appointed or such labour came to be engaged in the establishment concerned. The direct relationship would emerge after the abolition of the contract labour. In Sankar Mukherjee & Ors. Vs. Union of India & Ors. (1990 II LLJ 443) (SC) the State Government exercising the powers under Section 10 of the Act prohibited employment of contract labour in cleaning and stacking and to her allied jobs in the brick department. Loading and unloading of bricks from wagons and trucks was not abolished. Writ petition under Article 32 of the Constitution of India was filed. A Bench of three Judges of this Court had held that the Act requires to be construed liberally so as to effectuate the object of the Act. The bricks transportation to the factory, loading and unloading are continuous process; therefore, all the jobs are incidental to or allied to each other. All the workmen performing these jobs were to be treated alike. Loading and Unloading job and the other jobs are of perennial nature. Therefore, there was no justification to exclude the job of loading and unloading of bricks from wagons and trucks with a purview of the notification dated February 9, 1930. Thus, this Court had given a direction to abolish the Contract Labour System and to absorb the employees working in loading and unloading the bricks which is of perennial

nature. In National Federation of Railway Porters, Vendors, Bearers Vs. Union of India & Ors. (1995 II LLJ 712), a Bench of two judges to which one of us (K. Ramaswamy, J) was a member, was to consider whether the Railway Parcel Porters working in the different railway stations were contract labour for several years. When they filed Writ petition, the Central Assistant Labour Commissioner was directed to enquire and find out whether the job is of a perennial nature and permanent and whether the petitioners were working for a long period. On receipt of the report, with findings in favour of the works, the Bench had directed the Railway Administration to regularise them into the service. This case also is an authority for the proposition that in an appropriate case the Court can give suitable directions to the Competent authority namely, Central Labour Commissioner to enquire and submit a report. The perennial nature of work and other related aspects as required to be complied with before directions are given under Sections 10(1) and 10(2) of the Act. On receipt of the report, the Court could mould the relief in an appropriate manner to meet the given situation. In Praga Tools case (supra) this Court held that mandamus may be issued to enforce duties and positive obligation of a public nature even though the persons or authorities are not public officials or authorities. The same view was laid in Anadi Mukta Vs. V R. Rudani (1989 II LLJ 324) and Unni Krishnan Vs. State of A.P. 1993 1 SCC 645. In Comptroller & Audit General of India Vs. K. S Jagannathan 1986 2 SCC 679, this Court held that a mandamus would be issued to implement Directive Principles when Government have adopted them. They are under public obligations to give preferential treatment implementing the rule or reservation under Articles 14 and 16(1) and (4) of the Constitution. In LIC case (supra) directions were issued to frame policies accessible to common man. Thus we hold that though there is no express provision in the Act for absorption of the employees whose contract labour system stood abolished by publication of the notification under Section 10(1) of the Act, in a proper case, the Court as Sentinel in the *qui vive* is required to direct the appropriate authority to act in accordance with law and submit a report to the Court and based thereon proper relief should be granted. It is true that learned counsel

for the appellant had given alternative proposal, but after going through its contents we are of the view that the proposal would defeat, more often than not, the purpose of the Act and keep the workmen at the whim of the establishment. The request of the learned Solicitor General that the management may be left with the discretion so as to absorb the workmen in the best manner favourable to the workmen cannot be accepted. In this behalf it is necessary to re-capitulate that on abolition of the contract labour system, by necessary implication, the principal employer is under statutory obligation to absorb the contract labour. The linkage between the contractor and the employee stood snapped and direct relationship stood restored between the principal employer and the contract labour as its employees. Considered from this perspective, all the workmen in the respective services working on contract labour are required to be absorbed in the establishment of the appellant. Though there exists no specific scale of pay to be paid as regular employees, it is for the establishment to take such steps as are necessary to prescribe scale of pay like Class 'D' Employees. There is no impediment in the way of the appellants to absorb them in the last grade namely, grade IV employees on regular basis. It is seen that the criteria to abolish the contract labour system is the duration of the work, the number of employees working on the job etc. That would be the indicia to absorb the employees on regular basis in the respective services in the establishments. Therefore, the date of engagement will be the criteria to determine their inter se seniority. In case, there would be need for retrenchment of any excess staff, necessarily, the principle of 'last come, first go' should be applied subject to his reappointment as and when the vacancy arises. Therefore, there is no impediment in the way of appellants to adopt the above procedure. The award proceedings as suggested in Gujarat Electricity Board case (supra) are beset with several incongruities and obstacles in the way of the contract labour for immediate absorption. Since, the contract labour gets into the service of the principal employer, the Union of the existing employees may not espouse their cause for reference under Section 10 of the I.D. Act. The workmen, who on abolition of contract labour system have no right to seek reference under Section 10 of the I.D. Act. Moreover, the work-

men immediately are kept out of job endlessly keep waiting for award and thereafter resulting in further litigation and delay in enforcement. The management would always keep them at bay for absorption. It would be difficult for them to work out their right. Moreover it is a tardy and time-consuming process and years would roll by. Without wages, they cannot keep fighting the litigation endlessly. The right and remedy would be a teasing illusion and would be rendered otiose and practically compelling the workmen at the mercy of the principal employer. Considered from this pragmatic perspective, with due respect to the learned judges, the remedy carved out in Gujarat Electricity Board case (supra) would be unsatisfactory. The shortcomings were not brought to the attention of the Court. So, that part of the direction in Gujarat Electricity Board case (supra), is not with due respect to the bench, correct in law. The Dena Nath's case (supra) as held earlier, has not correctly laid down the law. Therefore, it stands over-ruled. Moreover, the Bombay High Court has correctly held that the High Court under Article 226 of the Constitution would direct the principal employer to absorb the contract labour, after its abolition, even though some of the contractors have violated Section 12 of the Act and the Appellants have violated Section 7 of the Act. In the Judgements under Appeal, High Court has directed to absorb the services of the workmen from the date of the judgement. The respondent-union did not challenge it. We are, therefore, constrained not to grant the benefit to the employees of the respondent-union from the date of the abolition of contract labour system we, therefore, uphold the direction issued by the High Court to regularise their services with effect from the respective dates of the judgements of the High Court with all consequential benefits".

The judgement of the Hon'ble Supreme Court referred above squarely applies to the facts of this case also. Even according to the Certified Standing Orders for Contingent employees of the respondent commission, according to Clause 2(1)(ii) the workmen who has been on the rolls of the Commission and has put in not less than 180 days of attendance in a period of 12 Calendar months shall be a temporary workmen provided that a temporary workmen who has put in not less than 240 days and who possesses the minimum qualification prescribed by the Commission may be considered for conversion as the regular employee. It is

the admitted evidence of the respondent that all the workmen concerned in the dispute have worked for more than 240 days every year in the last 12 years. Therefore, the respondent Government of India Undertaking who should have been a model employer ought to have regularised the services of these workmen even in 1990. Since they have completed 480 days of work as required under the Conferment of Permanent Status Act.

In the result, award passed holding that the non-regularisation of workmen concerned in this dispute is not justified and respondent is directed to regularise all the workmen w.e.f. 14-1-90 the date on which all of them have completed 480 days of attendance. No costs.

Dated, this the 26th day of May, 1999.

S. ASHOK KUMAR, Industrial Tribunal

WITNESSES EXAMINED

For Petitioner/Workmen :

WW1 : Thiru N. Santhanam

WW2 : ~~Thiru T. Sathyaamoorthy~~

WW3 : Thiru R. Sekar.

For Management :

MW1 : Thiru Raman

MW2 : Thiru Gopala Krishna Pillai

MW3 : Thiru H. B. N. Pillai.

DOCUMENTS MARKED

For workman :

Ex. W1 5-1-98 Order of High Court in Writ Petn. No. 9088 and 11964 of 1987 (Copy)

Ex. W2 21-1-88 Memorandum issued by Oil and Natural Gas Commission to W.T. Udayakumar (xerox)

Ex. W3 21-1-88 Memorandum issued by Oil and Natural Gas Commission to Y. Salaithu. (xerox)

Ex. W4 21-1-88 Certified Standing Orders for contingent employees of the Oil and Natural Gas Commission.

Ex. W5 15-9-90 Office Order (xerox)

Ex. W6 8-11-91 Office Order (xerox)

Ex. W7 19-12-91 Office Order (xerox)

Ex. W8 9-5-92 Judgement in Case No. 55/90 of Judicial Magistrate No. 2 of Naga Pattinam (xerox)

Ex. W9 22-5-92 Memorandum of Oil and Natural Gas Commission

Ex. W10 10-9-90 Strike Notice ("Form L" Rule 71) (xerox)

Ex. W11 22-10-90 Conciliation of Strike Notice dt. 10-9-90 served by the Petroleum Coal Labour Union (xerox)

Ex. W12 8-11-90 Letter of Union to Asst. Labour Commissioner (Central) (original)

Ex. W13 13-11-90 Conciliation of Strike Notice dt. 10-9-90 served by Petroleum Coal Labour Union (original)

Ex. W14 5-12-90 Letter of Union to Asst. (Central) Labour Commissioner-II

Ex. W15 3-12-90 Conciliation Failure report (copy)

Ex. W16 2-4-91 Letter by Under Secretary to Govt. (original) Joint Director of Respondent

Ex. W17 Xerox copy of Identification Card of R. Sekar

Ex. W18 10-7-91 Radio Message given by Dy. Manager (Security)

Ex. W19 2-1-97 Calling up notice for In-service Training for Term based Security Personnel (xerox)

Ex. W20 5-6-96 Posting order to Sri K.V. Ramani (xerox)

Ex. W21 30-11-92 Duty Roster of ONGC Security Staff for the month of Dec. 1992 (xerox)

Ex. W22 Documents regarding time Taking (xerox)

Ex. W23 April '97 Pay particulars of R. Sekar

Ex. W24 2-1-97 Calling up notice for In-service Training for Term based Security Personnel (xerox)

Ex. W25 June '98 CAUVERY PATRIKA

FOR MANAGEMENT :

Ex. M1 5-1-98 Copy of the High Court
Judgement

Ex. M2 21-1-88 Memorandum issued to
individuals (xerox)

Ex. M3 Certified Standing orders

Ex. M4 Dec. '88 Pay Slip of R. Dakshina-
murthy (xerox)

Ex. M5 8-11-91 O.N.G.C. Circular (xerox)

Ex. M6 30-4-93 Letter by Dy. Director
(P&A)-IR to the Group General
Manager (Coord) Cauvery Project
(xerox)

Ex. M7 30-4-93 Office Order reg. extend
some facilities

Ex. M8 Letter from Govt. of India
Recording CISF (xerox)

Ex. M9 ONGC R&P Regulations
1997 (xerox)

Ex. M11 Number of Rings in Cau-
very Project (copy)

Ex. M12 22-5-92 Swaminathan Termination
Order (xerox)